IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

DONNA CURLING, ET AL.,

Plaintiffs, CIVIL ACTION FILE NO. 1:17-CV-2989-AT

VS.

BRAD RAFFENSPERGER, ET AL.,

Defendants.

VIDEO-RECORDED 30(b)(6) DEPOSITION TAKEN VIA VIDEOCONFERENCE OF GEORGIA SECRETARY OF STATES' OFFICE

BY: SANFORD MERRITT BEAVER

AND

SANFORD MERRITT BEAVER IN HIS PERSONAL CAPACITY (Taken by Plaintiffs) Atlanta, Georgia

Wednesday, February 2, 2022 9:08 a.m.

Reported stenographically by V. Dario Stanziola, CCR (GA) (NJ), RPR, CRR

	Page 2
1	APPEARANCES
2	ON BEHALF OF THE PLAINTIFFS: (Appeared Via Videoconference)
3	DAVID D. CROSS, Esquire
4	REILEY JO PORTER, Esquire LOGAN WREN, Esquire
5	ZACHARY FUCHS, Esquire REEMA S. SHOCAIR ALI
6	Morrison & Foerster LLP 2100 L Street, NW, Suite 900
7	Washington, D.C. 20037 (202) 887-8795
8	dcross@mofo.com
9	ON BEHALF OF THE SECRETARY OF STATE and THE STATE ELECTION BOARD:
10	(Appeared Via Videoconference)
11	ALEXANDER DENTON, Esquire JAVIER PICO-PRATS, Esquire
12	CAREY MILLER, Esquire Robbins Alloy Belinfante
13	Littlefield LLC 500 14th Street, NW
14	Atlanta, Georgia 30318 (404) 856-3276
15	adenton@robbinsfirm.com jpicoprats@robbinsfirm.com
16	cmiller@robbinsfirm.com
17	ON BEHALF OF THE DEFENDANTS FULTON COUNTY VOTER REGISTRATION AND ELECTIONS:
18	(Appeared Via Videoconference)
19	DAVID LOWMAN, Esquire Office of the Fulton County Attorney
20	141 Pryor Street, SW, Suite 4038 Atlanta, Georgia 30303
21	(404) 612-0286 david.lowman@fultoncountyga.gov
22	
23	
24	
25	

```
Page 3
     APPEARANCES (Continued)
 1
     (Appeared Via Videoconference)
 2
               MARILYN MARKS,
 3
               Vice President and Executive Director
               Coalition For Good Governance
               1520 Cress Court
               Boulder, Colorado 80304
 5
               (704) 292 9802
               Marilyn@USCGG.org
 6
 7
     Also Present:
 8
               JONATHAN MILLER, Videographer
 9
10
11
12
13
14
15
16
17
               VIDEO-RECORDED 30(b)(6) DEPOSITION
18
     TAKEN VIA VIDEOCONFERENCE OF GEORGIA SECRETARY OF
19
     STATES' OFFICE BY: SANFORD MERRITT BEAVER AND
20
     SANFORD MERRITT BEAVER IN HIS PERSONAL CAPACITY,
21
     a witness called on behalf of the Plaintiffs,
22
    before V. Dario Stanziola, CCR (GA) (NJ), RPR,
23
     CRR, with the deponent located in Atlanta,
24
     Georgia, on Wednesday, February 2, 2022,
25
     commencing at 9:08 a.m.
```

			Page	4
1	INDEX OF EXAMINATIONS			
2				
3		7		
4	By Mr. Cross PAGE	7		
5				
6	INDEX OF EXHIBITS			
7	NUMBER EXHIBIT	MARKED		
8	Exhibit 1: Curling Plaintiffs' Second Amended Notice of Deposition of Office of the Secretary of State	10		
9	Exhibit 2: Declaration of Merritt Beaver	23		
11	Exhibit 3: Declaration of S. Merritt Beaver	68		
12	Exhibit 4: LinkedIn Printout of Merritt Beaver's profile page	94		
14 15 16	Exhibit 5: Atlanta Journal-Constitution article entitled Case files discredit Kemp's accusation that democrats tried to hack Georgia election	112		
17	Exhibit 6: E-mail string with the top from Kevin Robertson dated 7/1/2020	115		
18	Exhibit 7: E-mail string with the top from Kay Stimson dated 12/2/2020	129		
20	Exhibit 8: ImageCast X ballot marking device document	135		
21	Exhibit 9: Document entitled	141		
22	Information Technology Security Program Charter			
23	Exhibit 10: Document entitled	146		
24	Fortalice Solutions Web Vulnerability Remediation Checks Secretary of State	0		
25	Georgia Draft - July 14, 2020			

			Page	5
1	Exhibit 11: E-mail string with the top from Dave Hamilton dated	152		
2	7/10/2020			
3	Exhibit 12: E-mail string with the top from Chris Furtick dated	156		
4	11/2/2020			
5	Exhibit 13: E-mail string with the top from Kevin Rayburn dated 4/5/2019	159		
6	Exhibit 14: E-mail string with the	162		
7	top from Josh Hood dated 4/3/2019			
8	Exhibit 15: E-mail string with the top from Dave Hamilton dated	167		
9	8/13/2020			
10	Exhibit 16: E-mail string with the top from Chris Harvey dated	170		
11	12/30/2020			
12	Exhibit 17: E-mail string with the top from Dave Hamilton dated	176		
13	12/21/2020			
14	Exhibit 18: 2020 Security of the voter registration system artifacts	184		
15	and attestation pursuant to Rule 590-8-301 December 18, 2020			
16	Exhibit 19: E-mail from Dave Hamilton	188		
17	dated 8/21/2020	100		
18	Exhibit 20: E-mail string with the top from Angelos Keromytis dated	189		
19	12/31/2020			
20	Exhibit 21: E-mail string with the top from Terry Jones dated 9/17/2020	201		
21	Exhibit 22: Document entitled	203		
22	Fortalice Rules Of Engagement For Georgia Secretary of State Memorandum	200		
23	_	209		
24	Exhibit 23: E-mail string with the top from Dave Hamilton dated	209		
25	7/29/2020			

Case 1:17-cv-02989-AT Document 1368-2 Filed 04/13/22 Page 6 of 259

			Page	6
1	Exhibit 24: E-mail string with the top from Merritt Beaver dated 11/12/2020	214		
2				
3	Exhibit 25: E-mail from Jason Matthews dated 11/3/2020	220		
4		224		
5	Exhibit 26: E-mail string with the top from Kevin Robertson dated 8/14/2020	224		
6	Exhibit 27: E-mail string with the	226		
7	top from Merritt Beaver dated 3/3/2019	220		
8	Exhibit 28: E-mail from Nick Salsman	240		
9	dated 8/14/2020			
10	Exhibit 29: Document entitled Election Office Notes: 10 am	250		
11	6/15/2020 Meeting			
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

```
Page 7
               THE VIDEOGRAPHER: We are on the record
1
2
           February 2nd, 2022 at approximately
           9:08 a.m. Eastern time. This will be
3
           volume II to the 30(b)(6) videotaped
           deposition of the Secretary of State's
 5
 6
           office. The representative today will be
7
           Merritt Beaver. Will counsel please
           identify themselves and who they represent
 8
 9
           for the record.
10
               MR. CROSS: This is David Cross of
11
           Morrison & Foerster for the Curling
12
           plaintiffs.
13
               MR. DENTON: This is Alexander Denton
14
           of Robbins Alloy Belinfante Littlefield for
15
           the state defendants.
16
               THE VIDEOGRAPHER: Will the court
17
           reporter please swear in the witness.
18
               (OATH ADMINISTERED.)
19
                  SANFORD MERRITT BEAVER,
20
    having first been duly sworn, was examined and
21
     testified as follows:
22
                       EXAMINATION
23
    BY MR. CROSS:
24
          Q. Good morning, Mr. Beaver.
25
               Are we picking you up okay?
```

```
Page 8
1
               THE STENOGRAPHER: I can't hear him.
2
               Can you hear me?
          Α.
               You kind of cut in and out I think with
3
          Ο.
     the microphone.
5
          Α.
               I can sit closer.
 6
               Is that -- is that better?
7
          Q.
               Little bit. It tends to lose the first
8
     word or two is what I hear.
9
               I'm not sure what -- what to do for
          Α.
10
     you.
11
               THE VIDEOGRAPHER: I can walk him
12
           through making a quick adjustment, counsel,
13
           that it should help. Would you like to --
14
           it could -- it's pretty quick. We can do
           it on the record or go ahead and go off
15
16
           real fast.
17
               MR. CROSS: We can go off.
18
               THE VIDEOGRAPHER: The time is 9:10.
19
           We're off the record.
20
               (A DISCUSSION WAS HELD OFF THE RECORD.)
21
               THE VIDEOGRAPHER: The time is 9:11.
22
           We're back on the record.
23
     BY MR. CROSS:
24
          Q. Good morning, Mr. Beaver.
25
          A. Good morning.
```

```
Page 9
               Have you been deposed before?
1
          Q.
2
               Sorry, did you say yes?
3
               Yeah, we're not getting that.
 4
               Yeah, let's go off the record. Your
5
    mic's not working.
 6
               THE VIDEOGRAPHER: The time is 9:11.
7
           We're off the record.
 8
               (A DISCUSSION WAS HELD OFF THE RECORD.)
9
               THE VIDEOGRAPHER: The time is 9:13.
10
           We're back on the record.
     BY MR. CROSS:
11
12
               All right. Good morning, Mr. Beaver.
          Ο.
    We'll try this again.
13
14
              Good morning again.
          Α.
15
              And I think you said you have or have
    not been deposed before?
16
17
               I have been deposed before.
18
          Q.
               Okay. All right. And did you meet
19
     with counsel before your deposition today?
20
          Α.
               Yes.
21
               Okay. So do you understand that you're
22
     testifying today not just in your personal
23
     capacity, but as a representative of the
24
     Secretary of State's office on particular topics?
25
          A. Yes, I do.
```

```
Page 10
1
               And do you understand that means that
          Q.
2
     you're testifying as to the knowledge and
3
     information that the Secretary's has on those
     topics?
              Yes, I do.
 5
          Α.
 6
          Q.
               Okay. So do you have exhibit share up
7
     in front of you?
 8
               No. I need to click on something?
          Α.
          Q.
9
               Oh.
10
               MR. CROSS: Let's go off the record
11
           again.
12
               THE VIDEOGRAPHER: The time is 9:14
13
           We're off the record.
14
               (A DISCUSSION WAS HELD OFF THE RECORD.)
15
               THE VIDEOGRAPHER: The time is 9:17.
16
           We're back on the record.
17
               (Exhibit 1: Curling Plaintiffs' Second
18
           Amended Notice of Deposition of Office of
19
           the Secretary of State marked for
20
           identification, as of this date.)
21
    BY MR. CROSS:
22
              Mr. Beaver, do you have Exhibit 1 in
          Q.
23
     front of you?
24
          A. I do.
25
          Q. Have you seen this document before?
```

- 1 You can flip through it.
- 2 A. This looks -- yeah, this looks like the
- 3 document that counsel had shown me before.
- Q. Okay. So scroll down to -- oh, there
- 5 are no page numbers. The -- sorry about that.
- 6 The page that has amended topics on the top. It
- 7 looks like it's page 7 of the PDF.
- 8 A. I'm there.
- 9 Q. And do you see topic 1 reads,
- 10 Implementation and operation of Georgia's current
- 11 election system limited to the following
- 12 subtopics and then there's subtopic A; do you see
- 13 that?
- 14 A. Yes.
- 15 Q. And then subtopic B and C are at the
- 16 top of the next page.
- Do you see that?
- 18 A. Yes.
- 19 Q. And do you understand you've been
- 20 designated by the Secretary's office to testify
- 21 today on topics 1 A, B and C?
- 22 A. Yes.
- Q. Okay. And then scroll down to topic 10,
- 24 if you would, please, which is on page 14 of the
- 25 PDF.

Page 12 I see. Yes. 1 Α. 2 And do you understand you've been Q. 3 designated to testify on that topic today? Α. 4 Yes. 5 Ο. And then if you come to the last topic, 18, on page 15; do you see that? 6 7 Α. Yes. 8 And do you understand you've been 9 designated to testify on that topic today as well? 10 11 Α. Yes. 12 Are there any other topics in here that you understand you're designated to testify on 13 14 today that we've not addressed? 15 Α. Give me a moment. No. 16 Okay. All right. Come back to topic Q. 17 1A, if you would, please. 18 Α. 1A. I'm here. 19 And what did you do to prepare to 20 testify on topic 1A today? 21 I went and validated -- first off, Α. 22 let's define malware. Malware is an application 23 program that runs on a computer that was 24 basically designed to do an action of some sort, 25 all right?

Page 13 1 Malware must follow two tenets. It has 2 to follow the rules of physics, means it can't 3 just pop and arrive someplace without having some way of getting there. It has to take digital 5 space. And it has to follow programming logic. 6 Somebody had to program it to do something. 7 And malware can't switch on its own 8 from being a banking malware that looks for 9 credit cards and all of a sudden be software that 10 grabs voter data. So it has a specific purpose. 11 So when they're speaking of malware is located on 12 the components of this -- the prior election system, knowing that it's have to follow those 13 14 two tenets, it has to be physically there and it 15 has to follow programming logic, which means it 16 was designed to work on a Windows platform with 17 an access database. 18 Are we agreeing that's what we're 19 talking about here? 20 You're the witness, Mr. Beaver. I will 0. 21 defer to you as to how you want to define it. 22 That's what this question is Α. Okay. 23 Is it -- did we determine whether asking. 24 malware is located on any component, all right?

We did not find any malware on that. But even if

25

- 1 there was malware on it, if it at any way managed
- 2 to get to a new platform, it would be inert,
- 3 meaning it would have no capabilities in the new
- 4 environment. Because based on this question, the
- 5 malware was targeting the old election system,
- 6 which was Windows-based using access database
- 7 application.
- 8 One of the smartest things that the
- 9 Georgia Secretary of State did was we moved to a
- 10 system that was completely different, meaning it
- 11 didn't use the same operating system, did not use
- 12 the application prior used, which means that
- 13 anything that was targeting that system would be
- 14 inert in a new system. But even knowing that, we
- 15 did make sure that it didn't exist.
- 16 Q. Okay. Let me -- we'll come back to that
- 17 answer. But let me come back to the question I
- 18 asked you. What did you do to prepare to testify
- 19 on topic 1A?
- 20 A. I validated with my team that we built
- 21 out a whole different system not connected at any
- 22 reason or physically or electronically to the old
- 23 system. We had no components of the old system,
- 24 no software, no data, no anything. And the
- 25 reason was the two systems were so different

- 1 there was absolutely nothing in the old system
- 2 that was useful in the new system. So there was
- 3 no reason to move any of that stuff over there.
- 4 The old system was old equipment. We didn't need
- 5 to use any old equipment. We started fresh. And
- 6 there was nothing on the old system that was
- 7 needed in the new system. So there was no effort
- 8 to even try to connect the two. Because it would
- 9 have made no value, added no value.
- 10 Q. When you say you validated this with
- 11 your team what did you do to validate that?
- 12 A. I met with my team, met with the people
- 13 that were actually hands on doing it, the work,
- 14 and validated this is the process we follow.
- 15 Q. When did you do that?
- 16 A. Probably at least two or three weeks
- 17 ago. Well -- and I -- we did it a long time ago
- 18 when we actually did the move. We met and talked
- 19 about how we were going to do it. That was back
- 20 when we actually built out the new system. We
- 21 did a whole plan as to how we would built --
- 22 would build it out. There was conversation of is
- 23 there anything needed from the old system? The
- 24 answer was no. Do we need any of the data on the
- 25 system? No. So there was no effort to even try

Case 1:17-cv-02989-AT Document 1368-2 Filed 04/13/22 Page 16 of 259 Page 16 1 to do anything with the old system. When we 2 finished using the old system we just turned it 3 off. 0. When did that happen? 5 Α. We walked away from it. 6 Q. When did that happen? 7 When did you turn off the old system? 8 It was -- I'd have to go back and look. Α. 9 I mean, I'd be guessing right now. 10 Q. Do you have any time frame? 11 Was it 2019 when you rolled out the new 12 system or was it 2020? 13 We had the old system still on -- I'll Α. 14 say turned on. But we essentially -- we call it 15 put it over in the corner because nobody was

- 16 using it for about six months just in case there 17 was any questions about something that was done 18 in that system. So it would be somewhere towards
- 19 the end of '19, probably into early 2000 that we
- 20 literally unplugged it.
- 21 And did servers from the old system sit
- 22 in the same environment as the new system at any
- 23 point?
- 24 Α. Nope. They were in totally different
- 25 In fact, the rack was on wheels. When we racks.

Page 17 finished we literally rolled it into a caged area 1 2 that was locked, pulled all the cables off of it and left it in a secure area. So it -- nobody 3 could accidentally get into it. It would have taken somebody from my group to go reset it up. 5 6 Okay. Who did you meet with you said Q. 7 about two or three weeks ago to validate this for 8 the system? 9 Who did I meet with? My director of Α. 10 technology. My -- a couple of the people that work with him. 11 12 Q. What's his name? 13 Jason Matthews. Α. 14 Q. You said Jason Matthews? Yeah, Jason Matthews. 15 Α. 16 And who else did you meet with? Q. 17 What are their names? 18 Α. Ronnell Spearman and Kevin Fitts. 19 And they are report to the director of Q. 20 technology? 21 Α. Yes. 22 And were they the ones that were 23 responsible for setting up the -- the new system

25 A. Ronnell was involved in that group,

and turning off the old one?

24

- 1 Jason was involved in that group. I think Kevin
- 2 was more on the sidelines, was being informed as
- 3 to what was going on. He was part of the team
- 4 that -- that was more consulted as to what we
- 5 should do. But I don't know that he had any
- 6 hands-on.
- 7 Q. Do they have log-in credentials for the
- 8 Dominion EMS server at the state?
- 9 A. Yes.
- 10 Q. Do you?
- 11 A. No.
- 12 Q. Who else has log-in credentials for the
- 13 state Dominion EMS server?
- 14 A. On the -- it's called the
- 15 infrastructure team. Those are the IT people
- 16 that manage the servers. They're probably maybe
- 17 two, two other people.
- 18 Q. And they're on the infrastructure team?
- 19 A. Yes.
- Q. Okay. Do you know if anyone in Michael
- 21 Barnes's office has log-in credentials?
- 22 A. I have one person that's on the
- 23 infrastructure team that works over in his group.
- 24 And I believe he does. His group is actually in
- 25 a different building. So we -- we have to have

- 1 somebody on site to support his group.
- 2 Q. You said there's no equipment used with
- 3 the old system that's used with the new system.
- 4 Did I understand that right?
- 5 A. Correct. The old system was
- 6 Windows-based running access. It's a very old
- 7 Windows 2000 environment. The new system is
- 8 Android-based.
- 9 Q. The -- the individuals who have log-in
- 10 credentials for the new system for the EMS
- 11 server, did you guys replace all of their laptop
- 12 computers, any electronic equipment that they use
- 13 for their work with respect to elections?
- 14 A. Are you saying the -- the people that
- 15 work over in the -- in election center? The
- 16 people that use this new environment?
- 17 Q. I'm saying anyone who has access or
- 18 uses this new environment, did you replace all of
- 19 their electronic equipment that they use for
- 20 their work? So computers, laptops, removable
- 21 media?
- 22 A. Yes, all -- all desktops, everything
- 23 connected to that new environment, including the
- 24 wires in the wall, were all brand new. The
- 25 desktop computers that they used to tie into it

- 1 were brand new. We started clean, fresh. We did
- 2 not take any chances by introducing anything old.
- 3 Q. And how do you -- I'm sorry. Go ahead.
- 4 A. We did not share any of the networking
- 5 infrastructure. That was all new.
- 6 Q. And are you saying -- you're also
- 7 saying that there is no data in the old system
- 8 that's used with the new system?
- 9 A. Correct. As I said, it's not
- 10 compatible.
- 11 Q. So how does that work for the data in
- 12 E-Net? Doesn't --
- 13 A. So -- so for the new system, we had to
- 14 go back to E-Net and get new data and bring it
- 15 over to the new system.
- Q. All right. So how did you do that?
- I thought you said there's no data from
- 18 the old system used in the new system?
- 19 A. The old system -- there are multiple
- 20 systems. Their E-Net is not the voter -- the
- 21 votering balloting system. The question that
- 22 this test talks about is all of the ballot and
- 23 voting system, not the voter registration system.
- 24 So when you're speaking of the system, I need you
- 25 to tell me which system you're talking about. So

- 1 voter registration system is different than the
- 2 ballot generation system that feeds the -- the
- 3 vote-taking system, the voting system. It's two
- 4 complete environments. Two totally different
- 5 systems.
- 6 Q. So you don't --
- 7 A. The only thing that comes from one to
- 8 the other is E-Net will export information about
- 9 candidates over to the balloting system.
- 10 Q. Do you not consider Georgia's voter
- 11 registration system part of the state's election
- 12 system?
- 13 A. That is an umbrella statement. And
- 14 when you say the election system, there are
- 15 numerous systems. They're not tied together.
- 16 They're all independent systems that are run and
- 17 managed independently. So you can't apply
- 18 something about one system to the other system.
- 19 Operating systems are different, applications are
- 20 different. The actual users are different.
- 21 Q. So let me -- let me just make sure I
- 22 understand. I just want to see -- so does
- 23 Georgia's election system include the voter
- 24 registration database or that's something
- 25 separate?

- 1 A. So when you say the Georgia election
- 2 system, are you stating the system that collects
- 3 votes and builds ballots?
- 4 Q. I'm asking what you think of as the
- 5 election system as the chief information officer
- for the Secretary, does that include the voter
- 7 registration database as you think of the
- 8 election system?
- 9 A. So as I said, when you -- when I hear
- 10 you say the election system, I hear an umbrella
- 11 that encompasses multiple systems. Each of those
- 12 systems are different and run on different
- 13 platforms, are run in different data centers,
- 14 have different security profiles.
- 15 Q. Is that a yes or a no to my question?
- 16 A. It's not a yes or no question. Because
- 17 you asked a very broad question about multiple
- 18 systems. So the election system contains many
- 19 systems.
- 20 Q. So you can't say yes or no whether the
- 21 state election system includes the voter
- 22 registration database; is that right?
- MR. DENTON: Objection.
- 24 A. I think I was pretty clear. I said it
- 25 was an umbrella that covered many systems.

Page 23 Okay. So answer to my question is yes, 1 Q. 2 the election system includes the voter 3 registration database; are we agreed on that or not? 4 5 MR. DENTON: Objection. 6 The election system is a umbrella which Α. 7 I consider covers many systems where the voter 8 registration system is one of those systems under 9 what we call the elections system. 10 (Exhibit 2: Declaration of Merritt 11 Beaver marked for identification, as of 12 this date.) 13 Q. All right. Mr. Beaver, grab Exhibit 2. 14 We'll come back to Exhibit 1. So you may want to 15 leave that up, if you can. 16 Is that -- is there something new in 17 here that I've got to look at? 18 Q. Yeah. And you have to -- sometimes you 19 have to refresh. So if you just refresh your 20 screen, it will pull up the next exhibit. 21 will be Exhibit 2. Just let me know when you 22 have it. 23 All right. That's the one that says Α. 24 0002? 25 Q. Yes, sir.

Page 24 1 Α. Declaration. 2 All right. It's a declaration of mine from -- what's the date on it? 3 If you go to the last day, you'll see 5 it's executed August 13, 2018. 6 Do you see that? 7 Α. Okay. All right. Got it. 8 And were you careful and truthful in 9 preparing this declaration? 10 Yeah, I think I was. 11 Q. Okay. So take a look at paragraph 3 of 12 your declaration, please. 13 Α. Yes. 14 If you come four lines down -- or 15 sorry, five lines down you see the sentence you 16 wrote, our election system includes a voter 17 registration database; do you see that? 18 Α. Yes. 19 Q. Okay. So we're agreed on that, right? 20 Α. Yep. Right there. 21 Okay. And you go on to say --22 And if you go -- the next line talks Α. 23 about another system and --I'm going to get there. I'm going to 24 Q. get there. Mr. Beaver, I'm going to -- you're 25

Page 25 going to have plenty of chances to say what you 1 2 want to say today. The state's counsel can ask 3 you questions too. But just work with me and try to limit your answers to my questions. 5 MR. DENTON: Well, that said, David, 6 he's also entitled to finish his answer, 7 so... MR. CROSS: He's entitled to answer the 8 9 questions. He's not entitled to go beyond. But we don't need to debate it. You can 10 11 ask him whatever you want at the end -- at 12 the end of the deposition. 13 All right. So Mr. -- I was going to go 0. 14 on and read the rest, Mr. Beaver. So in addition 15 to the voter registration database, you indicate the election system includes an air gap system 16 17 for building ballots, numerous other components 18 including -- I think it's supposed to be an 19 online, but including online voter registration tool, an online voter information page, an 20 21 election night reporting page. And because this 22 was signed in 2018, at that time you indicated 23 direct reporting electronic voting machines used

25 Yes. Α.

for casting ballots, right?

24

- 1 Q. The definition you have for your
- 2 election system, is the only thing that's
- 3 different today is that in lieu of the DRE voting
- 4 machines used for casting ballots, you now have
- 5 the BMDs? Was there anything --
- A. So what's under those systems, like the
- 7 air gap system for building ballots, it's a
- 8 totally different air gap environment for
- 9 building ballots, running a different application
- 10 than this point. But we still have an air gap
- 11 system for building ballots today. It's just got
- 12 a different application inside of it.
- 0. Understood.
- 14 A. The voter information page is the same,
- 15 the election night reporting page is the same.
- 16 Like you said, the DRE is replaced -- replaced
- 17 with a different system. And all those fall
- 18 under the election system umbrella.
- 19 Q. And when you say election system
- 20 includes numerous other components, what are
- 21 those other components?
- 22 A. Those could be networked environments,
- 23 the securities applications that protect it,
- 24 things like that.
- Q. What networked environments are

- 1 included in the election system today?
- 2 A. So they -- at the data center where the
- 3 election system is held there is a whole network
- 4 environments which components for security and
- 5 basically segmenting networks, the actual
- 6 environment itself. Each of our environments
- 7 have those kind of components in it. They're not
- 8 necessarily the same. They're different based on
- 9 the system that it's protecting and the system
- 10 it's supporting.
- 11 Q. Anything else, any other components?
- 12 A. I'm sure there's other more detailed --
- 13 I mean, depending on how granular we want to get
- into defining what an environment is holding.
- 15 But those are the high level things.
- 16 Q. Okay. What interactions are there, if
- any, between the Dominion air gaps election
- 18 system that you talked about earlier that you
- 19 said is air gapped and the voter registration
- 20 database or E-Net?
- 21 A. Well, there is not necessarily
- 22 interaction between the two. There is a data
- 23 transfer that happens for each election where
- 24 somebody from the election center will download a
- 25 file from E-Net, it will go through numerous

- 1 security checks and then it gets uploaded into
- 2 the air gap environment following NIST protocols,
- 3 that's the National Institutes of Science and
- 4 Technology. They're the ones that define that we
- 5 follow defining an air gapped environment.
- Q. And you said that -- so the data gets
- 7 transferred from E-Net into the Dominion EMS for
- 8 a particular election and it goes -- that process
- 9 goes through numerous security steps.
- What are those security steps?
- 11 A. So the device that gets used gets
- 12 formatted by an independent device that's not
- 13 tied to a computer. It's strictly a formatter.
- 14 It's literally a hardware device that you plug
- 15 electricity into the wall. That's it. It has no
- operating system other than a hard program that's
- 17 formats a USB. So nothing could ever get stored
- 18 on it. It formats the USB drive to clean it so
- 19 that we know nothing has ever moved to it or
- 20 anything that was on it is off.
- 21 Then it gets inserted into a PC that's
- 22 tied into the election system. It is immediately
- 23 scanned -- once the file comes down to that thing
- 24 it's immediately scanned for any malware, any
- 25 strange things that could be also on it. Then it

- 1 gets moved over to the -- a PC that's tied into
- 2 the air gapped environment and it gets uploaded.
- 3 Q. And is that device, is that a hard
- 4 drive?
- 5 A. It's a flash drive.
- 6 Q. Oh, okay. And is that a new flash
- 7 drive every time these transfers are done or are
- 8 those flash drives reused?
- 9 A. Potentially could be reused. But as I
- 10 said, they get completely formatted by a box that
- 11 is not tied to any Internet. Cannot have
- 12 anything stored on it. So if there was anything
- on that flash drive, doesn't matter what it was,
- 14 it can't transfer off to the formatter. The
- 15 formatter will format that completely blank.
- So anything on it, malware, anything is
- 17 erased. There's no transferring of old data to
- 18 the formatter because the formatter is not
- intelligent to be actually able to hold anything.
- 20 It just has a function of format. So it is
- 21 probably cleaner than a brand new purchased -- in
- 22 fact, I'll tell you it is cleaner than a brand
- 23 new purchased flash drive. Even if we use a
- 24 brand new purchased flash drive, we clean it
- 25 first just in case the manufacturer had something

- 1 on that drive that they didn't know about, we
- 2 don't trust it. We clean it.
- 3 Q. Are ballot definition files stored on
- 4 the state EMS for each election?
- 5 A. On the state EMS? What do you mean?
- 6 Q. The state EMS server, are ballot
- 7 definition files uploaded to that server each
- 8 year or for each election?
- 9 MR. DENTON: Objection.
- 10 A. I don't know the term EMS.
- 11 Q. Election management system, the
- 12 Dominion -- the state server that we're talking
- 13 about.
- 14 A. Oh, the ballot building system.
- 15 Q. Yes. Yes. They're -- let's just back
- 16 up, make sure we're talking about the same thing.
- 17 What we've been talking about is a server that
- 18 the state uses that has the Dominion software on
- 19 it to run elections, right?
- 20 A. Yes, that's the ballot building system.
- 21 Q. Okay.
- 22 A. So when you say EMS, now I understand
- 23 what you're saying.
- Q. Right.
- 25 And have you heard the term election

- 1 management system or election management
- 2 software?
- 3 A. Yes. I just never tied it to EMS.
- 4 Q. Got it. Okay.
- 5 A. Now I know.
- Q. Okay. How did -- what's the process
- 7 for getting the files, the ballot definition
- 8 files that come out of the ballot billing process
- 9 on this server, for getting those out to counts?
- 10 A. Those get put on flash drives also.
- 11 Q. And then how are they --
- 12 A. Clean flash drives.
- 13 Q. How are they -- how are those files
- 14 transmitted to the 159 counties in Georgia?
- 15 A. You'd have to ask Michael Barnes that.
- 16 I -- I think I know. But I -- I guess I can't
- 17 say positively that I know. So you'd have to ask
- 18 Michael Barnes that question.
- 19 Q. I mean, are you familiar with the -- do
- you understand that they're transferred over an
- 21 FTP site?
- 22 A. I -- as I said, you'd have to ask
- 23 Michael Barnes that question, please.
- Q. Okay, okay. And then at the end of
- 25 each election the counties send back the

- 1 tabulation results through the election night
- 2 reporting system to the state, right?
- 3 A. Yes.
- 4 Q. And is that also done through -- well,
- 5 strike that.
- 6 Do you know whether that's done through
- 7 a FTP, that transfer?
- 8 A. That's a Michael Barnes question.
- 9 Q. Okay. The tabulation results that come
- 10 out of each election, are those also stored on
- 11 the EMS, the election management system server at
- 12 the state level?
- 13 A. I am not aware that any of that is
- 14 stored there. My understanding is that's all
- 15 stored back on the voter registration system.
- 16 Q. Okay. Are you aware of any data or
- 17 files that are generated during the course of an
- 18 election in Georgia that are uploaded to the
- 19 state election management system server after an
- 20 election?
- 21 A. I am not aware of any.
- Q. When you talked about earlier that
- 23 there are no devices or equipment used with the
- old system, meaning the old DRE system that's
- 25 also used with the new BMD system, are you

- 1 talking only at the state level or are you
- 2 including the counties with that?
- 3 A. Once again, none of the old DRE system
- 4 is compatible with the new environment. So there
- 5 would be no reason a county would use any of the
- 6 old DRE equipment for the new environment. It
- 7 was a direct recording device. We now use a
- 8 paper ballot process. They're incompatible.
- 9 So, you know, I'm not out in 159
- 10 counties. I cannot even imagine why they would
- 11 use any of the old system because it wouldn't
- 12 have had -- do nothing for them.
- 13 Q. But you're only speaking on behalf of
- 14 the state, YOU'RE not speaking on behalf of the
- 15 practices of 159 counties across Georgia in every
- 16 election, right?
- 17 A. Well, I can't speak because I'm not out
- 18 there. But as I said, because the old DRE
- 19 environment has absolutely no functional use,
- 20 there would be no reason for them to use any of
- 21 that old equipment. In fact, as far as I know,
- 22 most of them packed it all up and we sent it off
- 23 for grinding. So there is no reason for them to
- 24 go off and do something. And even if they wanted
- 25 to bring something out, it would add nothing to

- 1 the process. You can't use any of the old system
- 2 information in the new environment.
- 3 Q. But you don't know, for example,
- 4 whether the counties use some of the same USB
- 5 drives, flash drives that they plugged in or used
- 6 with the old system, you don't know whether some
- 7 of them used those with the new system, right?
- 8 A. As I said, it's incompatible. The
- 9 flash drives were not the same as the current USB
- 10 drives. They weren't USB. They were a different
- 11 format. The plug on them wouldn't fit.
- 12 Q. You're saying that it's your belief
- 13 that the USB drives the counties use with the
- 14 with respect to elections on the GEMS system, the
- 15 DRE system, those wouldn't even plug into
- 16 equipment that they used with the BMD system; is
- 17 that -- is that really your belief?
- 18 A. The DREs, this is the Windows-based
- 19 voting equipment, had a different format for
- 20 their flash drive. They were a square drive
- 21 device that had, I don't know, 40-hole --
- 22 pinholes in it. Wouldn't even come close to
- 23 fitting in a USB drive, which has got a very
- 24 rectangular slide-in port. So the DREs took a
- 25 different format flash drive.

- 1 Q. But the DREs are not the only part of
- 2 the election system at the county level that uses
- 3 flash drives, right?
- 4 They also use desktop computers, laptop
- 5 computers, they have their own election servers
- 6 such as for election night reporting, for
- 7 managing their own system. And those would take
- 8 the same flash drives that would fit on equipment
- 9 today, right?
- 10 A. You asked me about a DRE interface. I
- 11 answered you about a DRE interface. So now then,
- 12 now you're asking me whether or not they have
- 13 computers that use USB flash drives, which is
- 14 yes. The new system has computers which can
- 15 accept USB drives, yes.
- 16 Q. And you've not undertaken any
- 17 investigation to determine whether the counties
- 18 got rid of all their old flash drives and
- 19 replaced them with new flash drives when the new
- 20 Dominion system was rolled out; is that fair?
- 21 A. So if you're asking me if a USB drive
- 22 that was used with the old DRE system that was
- 23 running a Windows application using an access
- 24 database program that potentially could have had
- 25 malware that was attacking that system, which

- 1 nobody's ever seen or proved existed, but if it
- 2 did exist, did we put steps in place to make sure
- 3 that malware couldn't jump on the new
- 4 Android-based system? The question is why would
- 5 you ask that question? Since we -- everyone
- 6 knows malware that's targeted at a Windows-based
- 7 access program is inert in an access database.
- 8 Once again, we have to follow the two tenets of
- 9 programming is the laws of physics and
- 10 programming logic.
- 11 Q. Mr. Beaver, let me -- I'm going to have
- 12 to help you out here, okay? You have to ask the
- 13 questions I -- you have to answer the questions I
- 14 ask and only what I'm asking. I'm going to get
- 15 all of my questions in no matter what. We can do
- 16 ten hours a day, we can do 12 hours, we can break
- 17 it up into multiple days, but it's going to
- 18 happen. And if you continue to give these
- 19 speeches, then we'll just -- we'll either call
- 20 the court and let the judge explain to you how
- 21 this works or we'll just go for many, many days.
- So I'm going to ask you again. I'm
- 23 asking you simple yes or no questions, okay? My
- 24 question is simply this: Do I understand
- 25 correctly that you're not aware of any

- 1 investigation done by the state to determine
- 2 whether flash drives or desktops or laptop
- 3 computers or iPads, any equipment used at the
- 4 county level with the old election system that
- 5 would include the DREs, their GEMS servers, their
- 6 poll pads, whatever -- we don't have poll pads.
- 7 The GEMS servers and -- and the DREs and their
- 8 elections, there's no investigation you're aware
- 9 of by the state to ensure that every county
- 10 replaced all of that equipment when transitioning
- 11 to the Dominion system; is that true, yes or no?
- MR. DENTON: Objection.
- 13 Q. You can answer.
- Is it true, yes or no?
- 15 A. My understanding is a notice was sent
- out to the counties that they should not reuse
- 17 the equipment. I do not know whether or not the
- 18 counties bought all new equipment or not.
- 19 Q. Okay. Thank you.
- Oh, I'm sorry, I should have asked from
- 21 the start. And I'm not suggesting you are.
- 22 Since we're on an online forum both sides ask
- 23 these questions.
- Do you have anything open other than
- 25 the Zoom and the exhibit share on your computer,

Page 38 any other apps or devices or anything? 1 2 No. I closed everything. Α. 3 Okay. Great. Thank you. Ο. Do you have any notes that you're 5 relying on today for your testimony? 6 Α. I just printed out your 30(b)(6) 7 document. Okay. But that's it? 8 Q. 9 Α. Yep. 10 Okay. All right. Thank you, Mr. Q. 11 Beaver. But on the -- the way you're describing 12 malware, I understand you're saying that malware 13 14 designed for a Windows operating system and the 15 DRE environment, that that could not work in the 16 Android operating system in the BMD environment. 17 Do I understand that right? 18 Α. Correct. 19 Okay. And so is it your understanding 20 that malware designed for the old system, that if that malware included a back door into the 21 22 election system, so it's not trying to alter or 23 steal votes necessarily, it's just trying to 24 create a back door, that even that type of 25 malware would not work in the new Dominion

Case 1:17-cv-02989-AT Document 1368-2 Filed 04/13/22 Page 39 of 259 Page 39 system? 1 2. Α. Correct. 3 And what's the basis for that understanding? 4 5 Programming logic says that whoever 6 wrote the program would have to know that the 7 system, the target system that they're writing 8 the malware for. The malware you're describing 9 was targeting a Windows application. So the 10 operating systems was Windows based, it was 11 actually Windows 2000. So it was an even older 12 application than -- Windows than what is 13 currently out there. They would have to build it 14 for that. 15 When we switched to a new system, the 16 operating system is now Android, which has 17 totally different programming logic. The only --18 it wouldn't work. It is absolutely inert. 19 And have you consulted any election

- 20 security experts on your understanding that you
- 21 just explained?
- 22 I've talked to internally all of our
- 23 technical people. I have a programming
- 24 background. I've done that for years. In fact,
- 25 my background is in healthcare, medical records.

- 1 Basically the industry cut their teeth on
- 2 security with HIPAA, specifically targeted at
- 3 medical records. So I have a number of years,
- 4 over ten years, experience in programming in that
- 5 environment.
- 6 Q. So my question was have you consulted
- 7 any election security experts on the
- 8 understanding of your software about malware?
- 9 MR. DENTON: Objection.
- 10 A. Now, I -- I don't know election
- 11 security, that specific title. Anybody of that
- 12 -- with that title.
- 13 Q. So, for example, Fortalice is a company
- 14 that you guys rely on for -- to help with
- 15 securing the election system; is that fair?
- 16 A. Yes.
- 17 Q. Did you discuss with Fortalice the view
- 18 that malware potentially could be embedded in the
- 19 old GEMS system, that it would be inert in the
- 20 Dominion system?
- 21 A. No.
- Q. Did you discuss that with the state's
- 23 expert, Dr. Juan Gilbert?
- A. Ron Gilbert? I don't know Ron Gilbert.
- 25 Q. Juan Gilbert, J-U-A-N.

- 1 A. I don't know Juan Gilbert.
- Q. Okay. All right. Come back to
- 3 Exhibit 1, if you would, please, and back to
- 4 topic 1A.
- 5 A. Do you do that by going back and
- 6 reopening it or is there a --
- 7 Q. Yeah. Yeah, I think -- if you closed
- 8 it, you'll have to go back and reopen it.
- 9 A. Okay.
- 10 Q. And just let me know you've got that
- 11 up.
- 12 A. 1A. I'm there.
- Q. Okay. So just so we're clear, it's my
- 14 understanding that, to your knowledge,
- 15 representing the state on this topic, there is no
- 16 evidence of any malware infecting the components
- of Georgia's current election system; is that
- 18 right?
- 19 A. Correct.
- 20 Q. And what investigation was undertaken
- 21 to get to that conclusion?
- 22 A. Of the current system or the old system
- 23 are you asking?
- Q. The current system.
- 25 A. So when we built out the system, we

- 1 built it out, as I said, as a clean system. We
- 2 did not use anything that was tied to the
- 3 Internet where malware can come into it, get in,
- 4 infect it. We have only entered the information
- 5 that has been scanned for malware into that
- 6 environment.
- 7 Q. So no one, to your knowledge, has
- 8 actually gone in and done any kind of forensic
- 9 analysis of any of the BMDs or the Dominion
- 10 servers at the state or county level to see if
- 11 they are infected with malware; is that right?
- 12 A. I'm not aware of that.
- 13 Q. Do you know why that has not been done
- even on a sampling basis, for example?
- 15 A. Not aware that there's any sign that
- 16 there is any malware on it. That's usually the
- 17 first trigger to look for malware. That would be
- 18 it.
- 19 Q. Well, you understand malware can
- 20 successfully operate in the background without
- 21 giving an indication that it's there, right?
- MR. DENTON: Objection.
- 23 A. Yes, I do. But then I follow back to
- 24 the tenet we talked earlier is that malware has
- 25 to somehow physically get onto that environment

Page 43 and have programming logic that is compatible 1 with the environment that it's in. 2 3 Q. Right. 4 And I understand that, Mr. Beaver. 5 Α. Okay. 6 But -- okay. I get it. Thank you. Q. 7 All right. Take a look at topic 1 B, Just let me know when you're there. 8 please. 9 Yes. Yes, I'm there. Α. 10 This is any efforts made to air gap a Q. 11 components of Georgia's current election system and the success or failure of any such efforts. 12 13 The answer -- the answer is yes. Α. 14 Q. Right. 15 And so what are those efforts? 16 So Secretary of State's IT group, 17 department built an air gapped environment based 18 on NIST standards using NIST protocols to hold 19 the Dominion ballot building environment. And 20 continues to maintain that air gapped environment 21 per the NIST protocols. 22 And that was built sometime in 20- --Q. **'**19. 23 Α. 24 Q. Oh, 2019? 25 I think it was -- yes. Α.

- 1 Q. All right. And this was what you were
- 2 talking about earlier that it's all new
- 3 equipment, even new wires in the wall?
- 4 A. Yes.
- 5 Q. Okay.
- 6 A. It does not share anything with any
- 7 other network environment. It does not
- 8 cohabitate in any racks or environment.
- 9 Q. Right.
- But it does share data with the voter
- 11 registration system, though, right?
- 12 A. Yes. And that data is transferred
- 13 using the NIST protocol.
- Q. Okay. Who at the Secretary's office is
- 15 actually responsible for transferring that data?
- 16 A. That would be Michael Barnes's group.
- 17 Q. Okay. Who is responsible for uploading
- 18 any data or files to the state EMS server for any
- 19 given election?
- Is there anyone on your team that does
- 21 that or is that also Mr. Barnes's group?
- 22 A. That's Mr. Barnes.
- Q. Okay. All right. Take a look at topic
- 24 1 C, please.
- 25 A. Okay.

- 1 Q. And here it is any connections of any
- 2 components of Georgia's current election system
- 3 to the Internet, telephone lines, cable lines,
- 4 satellites or other third-party system or
- 5 network.
- 6 Do you see that?
- 7 A. Yes.
- 8 Q. And do you -- what connections in that
- 9 topic are you aware of today?
- 10 A. So when -- when we say the election
- 11 system, remember that's numerous environments.
- 12 So are we talking about the Dominion air gapped
- 13 environment or are we talking about the voter
- 14 registration system or one of the other systems?
- 15 O. So I -- I would use the definition that
- 16 was in your -- well, strike that. Because I want
- 17 to be fair.
- We have a particular system -- we have
- 19 a particular definition here, right? So if you
- 20 come to the first page of the topics.
- 21 A. Is that going up or down? Am I
- 22 scrolling --
- Q. Yeah, going up. Go up back to the top.
- 24 There's topic 1. Do you see that? And here you
- 25 do you see at the bottom the definition of

Page 46 1 component? 2 Α. Oh, hold on. It's for the --3 Ο. Component list limited to the following 4 5 equipment for election... 6 So this all looks like it's speaking to 7 the current Dominion environment, meaning the ballot building device --8 9 Q. Yes. 10 -- environment. Α. 11 Q. Yes, that's right. 12 It doesn't speak to any of the voter Α. 13 registration system, the my voter page, the 14 online registration page. It's just the Dominion 15 environment. 16 Correct. Yeah. Q. 17 Α. Okay. 18 Q. And so let's --19 So now --Α. 20 Yeah, let's start with that. So take a Q. 21 look at -- with that definition in mind, are you 22 aware of any connections to the Internet, 23 telephone lines, cable lines, satellites or other 24 third-party system or network for any of the 25 components identified in footnote two for the

- 1 current election system?
- 2 A. None.
- 3 Q. And what's the basis for that belief?
- 4 A. We have built an air gapped
- 5 environment, follows, as I've said, the NIST
- 6 protocols on its own dedicated hardware network
- 7 environment. Does not share anything with an
- 8 environment that has any of these types of
- 9 things, Internet, telephone, cable, satellites or
- 10 other third-party networks, is not tied to
- 11 anything that would have those things connected
- 12 to it.
- 13 Q. Okay. But you don't know, for example,
- 14 whether any of the 159 counties have ever
- 15 connected any of those components to any Internet
- or third-party system, right?
- 17 MR. DENTON: Objection.
- 18 A. We're talking about what was described
- 19 above and that everything that's described above
- 20 is that Dominion environment, which is based in
- 21 our election center in Marietta. So the counties
- 22 don't have access to that.
- Q. Well, no. Look -- if you look at
- 24 footnote two it includes the Dominion BMDs, the
- 25 printers used with the Dominion BMDs, the

Case 1:17-cv-02989-AT Document 1368-2 Filed 04/13/22 Page 48 of 259 Page 48 scanners used to scan ballots, servings --1 2 servers containing election management system --3 So you're talking about the actual Α. equipment that's in the field? 4 5 Ο. Correct. That's part of it. Yeah. 6 And so you don't -- so you don't know 7 as you sit here whether any of the 159 counties 8 in Georgia has ever connected any of that 9 equipment to the Internet or to a third-party 10 system, right? 11 Α. I mean, there's some of the stuff 12 that can't be connected, like the BMDs don't have a network connection to go into that. Now, a 13 14 laptop, I'm not sure what a laptop -- what they 15 would use a laptop for, a desktop computer, not 16 sure how that would be involved in this whole 17 environment. So I can't speak to those things. 18 Smart phones, same thing, like I -- it's -- it's 19 listed in this list, but it isn't necessarily 20 used in the Dominion environment. 21 So this is a very large list of things, 22 but not all of them have anything to do with the

21 So this is a very large list of things, 22 but not all of them have anything to do with the 23 Dominion environment. But I can't speak to, you 24 know, what the counties have done with these 25 kinds of things.

- 1 Q. All right. The Dominion BMDs used in
- 2 Georgia have a standard USB port on them, right?
- 3 A. Yes.
- 4 Q. In fact, the detached printer that
- 5 prints the ballot connects to the BMDs with
- 6 standard USB port, right?
- 7 A. Yes.
- 8 Q. And are you aware that the Dominion BMD
- 9 USB ports are not sealed, meaning that a voter,
- 10 for example, has access to plug in a USB drive to
- 11 a BMD used in an election?
- 12 A. I don't believe that's true. It was a
- 13 term it's sealed. It's not sealed. I have never
- 14 seen an environment where it's not sealed. So
- 15 I'm not sure where that comes from. So I guess I
- 16 can't answer that that would be true. I am not
- 17 aware that that -- that system is not sealed.
- 18 Q. So what is the basis for your
- 19 understanding that the USB port on each of the
- 20 30,000 BMDs in Georgia is sealed?
- 21 A. I've seen them and they're sealed. And
- 22 that is our protocol is to keep it sealed.
- Q. Well, I assume you haven't seen all
- 24 30,000 BMDs, right?
- 25 A. No, I -- yeah, I haven't seen 30,000

- 1 BMDs. But, as I said, the protocol is to keep
- 2 them sealed. And when I say sealed, they're
- 3 locked -- locked away. They have a sealing
- 4 device that will show tampering if somebody
- 5 unseals it. So I have not heard of any counties
- 6 that have had an issue with BMDs being unsealed.
- 7 I have not heard that.
- 8 Q. Okay. And is that something you would
- 9 expect to know as the state CIO?
- 10 A. I would have heard it. It isn't the
- 11 counties report to me. You could probably ask
- 12 Mr. Michael Barnes if he's heard it. I think
- 13 he's more in touch with the counties than I am.
- Q. And why is sealing the BMDs important?
- 15 A. Many type of layers of security.
- 16 Security is not just one thing. It is a layer
- 17 approach. Sealing the BMD is just one of the
- 18 many security aspects to that -- verifying that
- 19 we have a very secure system. Sealing is a piece
- 20 of it.
- 21 Q. But what is the sealing of a BMD
- 22 intended to protect against?
- 23 A. Just what you described, somebody
- 24 having access to do something to it that's
- 25 unknown.

Page 51 Q. Got it. 1 2 Okay. And would it be fair to say that if -- that if -- if a county found that its BMDs 3 were unsealed, the seals were broken, for 4 5 example, before an election, they should not use 6 those, right? 7 Α. Correct. That is the protocol. Okay. What's the device that's used to 8 Q. 9 seal the USB ports on the BMDs? 10 I don't know what that device is. Α. 11 Q. All right. Jump to topic ten, please. 12 Α. Okay. Topic ten is any instance in 2020 or 13 0. 14 2021 within the knowledge of the Secretary of State's office when a person or entity other than 15 16 an authorized election worker of Georgia state or 17 county official obtained voting data from a 18 Georgia election or images of voting equipment 19 used in a Georgia election. 20 Do you see that? 21 Yes. Α. 22 And are you aware of any such instance? Q. 23 I am not aware of any instance. Α. 24 Q. And would you expect to be aware of 25 this as the state CIO if -- if this was known to

- 1 anyone in the Secretary's office?
- 2 A. I would have expected to because I
- 3 would have been asked to help investigate how it
- 4 happened.
- 5 Q. Okay.
- 6 A. We manage security. That would be an
- 7 event. And we would go through our whole
- 8 incident response process to investigate how
- 9 something like that would have happened. So I
- 10 would have expected to hear.
- 11 Q. Okay. And what did you do to prepare
- 12 yourself to testify on topic ten today?
- 13 A. To prepare for that? I asked -- I
- 14 asked a couple people here within our
- organization in the elections area whether or not
- 16 they'd heard anything about this. I didn't hear
- 17 anything.
- 18 Q. Who did you ask?
- 19 A. They didn't say -- over in elections --
- 20 I mean, I think the head of elections, Blake
- 21 Evans, is over there.
- Q. Anyone else?
- 23 A. I guess I -- I've asked around. I
- 24 don't remember the people, just poking at people
- 25 that might have heard something. And within our

- 1 security group we have a couple -- three people
- 2 over there in that group which I talked about
- 3 Ronnell Spearman, Kevin Fitts. They're -- they
- 4 had not heard anything. So...
- 5 Q. Is there anyone else you talked to
- 6 about topic ten that comes to mind?
- 7 A. No.
- 8 Q. Okay. Did you review any documents in
- 9 preparation for your testimony on any of the
- 10 topics you're designated on?
- 11 A. Just my prior depositions and
- 12 testimony.
- Q. When you say deposition, you mean your
- 14 prior declarations in this case?
- 15 A. I guess I'm not sure whether they were
- 16 declarations or depositions.
- 17 Q. Okay.
- 18 A. I didn't -- they were just documents
- 19 that were -- the legal team gave me as areas
- 20 where -- or events where I was recorded, whether
- 21 it be court transcriptions or depositions or
- 22 declarations. So it was three or four of them.
- Q. Okay. But those documents all
- 24 contained testimony that you gave in -- in some
- 25 form; is that fair?

- 1 A. That's fair.
- Q. Okay. And is there anything else you
- 3 reviewed in preparation for deposition beyond
- 4 your own testimony?
- 5 MR. DENTON: Objection.
- 6 A. Nothing I can say specific. I mean, I
- 7 definitely talked to some of my peers to validate
- 8 my understanding of Windows, did my understanding
- 9 of the NIST protocol, my understanding of
- 10 Android, programming languages that could be
- 11 compatible in both environments. Things like
- 12 that.
- 13 Q. But no other documents you reviewed
- 14 beyond the testimony you've identified; is that
- 15 -- is that right?
- 16 A. No, no other documents. I had -- as I
- 17 said, I did go online, validate documents from
- 18 NIST that we were following their protocols.
- 19 That was about it.
- Q. Okay. And then let's look at the last
- 21 topic here, topic 18. Again, it's on page --
- 22 A. Yes.
- 23 Q. And the last topic is your process for
- 24 preserving information within your possession,
- 25 custody or control potentially relevant for this

- 1 matter, including any communications with
- 2 counties or other entities or individuals
- 3 regarding the same.
- 4 Do you see that?
- 5 A. Yes.
- Q. What steps has the Secretary's office
- 7 taken to preserve information potentially
- 8 relevant to this case?
- 9 A. So information relative -- the -- I
- 10 guess reading this, communications primarily are
- 11 e-mails. Written documents, I don't have access
- 12 to, you know, as if somebody wrote a note. But
- 13 everything would be in e-mails. And I have
- 14 validated that we have maintained copies of all
- 15 e-mails sent within the organization during this
- 16 time frame.
- 17 Q. And what time frame is that?
- 18 A. From '19 forward.
- 19 O. From 2019 forward?
- 20 A. Yes. Which is what it looks like this
- 21 is, at least in my understanding, is where this
- 22 conversation is speaking to from the time that we
- 23 switched over from the old system to the new
- 24 system forward.
- Q. And are you aware that the case was

Page 56 filed in 2017? 1 2 Are you saying the Curling case or are Α. 3 we talking about this 30(b)(6) topic. Ο. No, no, the Curling case was filed 5 in --6 No, I got it. But I -- was your Α. 7 question about retaining data? I thought this 8 was on the 30(b)(6) topic. 9 Q. Right. 10 I'm just trying to understand what you 11 understand the topic covers. So just --12 Okay. As I say, so your question, I Α. 13 thought you were speaking of 30(b)(6). 14 Q. Right. 15 So my question is are you aware of 16 steps taken by the Secretary's office to preserve 17 information potentially relevant to this matter 18 going back to when the case was filed in 2017? 19 And my -- for the Curling case, all 20 e-mails that were tied to that did go back to '17 21 that we need to be able to retain. So that too 22 on that topic. So e-mails from that point far 23 back, so yes.

24 Q. Okay. And what steps were taken to preserve e-mails going back to -- well, strike 25

- 1 that. Let me -- let's be clear we're talking
- 2 about the same thing.
- 3 The case was filed in 2017. But you
- 4 understand -- well, strike that. Let me try to
- 5 get at this better.
- What is the time frame, time period for
- 7 which the Secretary of State's office is
- 8 preserving information potentially relevant to
- 9 this case, meaning how far back do the e-mails,
- 10 for example, go in time that are being preserved?
- 11 A. Okay. So we have two systems that
- 12 store e-mails. One is Microsoft 365. It stores
- 13 e-mails that go back three years. We have
- 14 another system called Commvault that goes back an
- 15 additional I think it's two years. So we're
- 16 going back five years on this topic.
- 17 Q. Okay. So when the case got filed in
- 18 2017, what steps did the Secretary's office take
- 19 at that time to preserve potentially relevant
- 20 information?
- 21 A. They validated that we were able to
- 22 store e-mails that covered from that point
- 23 forward from the -- basically where the Curling
- 24 case forward.
- 25 Q. But what about e-mails going back in

Page 58 1 time? 2 They haven't given me the okay to 3 delete any of that. 4 Ο. Okay. 5 Even though it's longer than our 6 retention period, we've still held onto it. 7 Q. And where are those documents -- are those e-mails stored? 8 9 Α. In Commvault. 10 And that -- does that include the Ο. 11 e-mails that were generated in 365? 12 Α. No. 13 Q. Okay. So e-mails are stored in both 14 365 and Commvault? 15 Α. Yes. That's what I said. We have two 16 systems. The most current stuff is in 365, the older stuff is in Commvault. 17 18 Q. I see. 19 Okay. So the stuff going back to like 20 2017 or earlier, that's in Commvault, the stuff 21 generated in the last three years would be in 22 365; is that a fair? 23 Yes, yes. There's probably some Α. 24 overlap. But 365 only holds three years.

And did the Secretary's office replace

25

Q.

- 1 Commvault with 365 three years ago as its e-mail
- 2 system?
- 3 A. Commvault is an archive system which is
- 4 where we used to archive e-mails into. We have
- 5 -- since we've gone to 365, not when we went to
- 6 365, but since we've done it, we've switched
- 7 over. So there's a transition period where
- 8 Commvault was doing archiving, some archiving 365
- 9 -- or I say some, was archiving 365, so there's
- 10 an overlap.
- 11 O. And are the e-mails that are
- 12 potentially relevant to this case in 365, are
- those stored in a distinct place on the 365
- 14 server or are they stored in the individual
- 15 custodian's e-mail inboxes or accounts?
- 16 A. Well, they're isn't necessarily -- all
- 17 e-mails are stored in, I guess, a mass storage
- and they're tagged for, you know, who they belong
- 19 to. So that if somebody in their personal e-mail
- 20 box deletes something, it doesn't delete it from
- 21 the mass storage.
- 22 Q. And is that something that was turned
- 23 on for preservation purposes or is that the
- 24 default setting for 365?
- 25 A. It's default for us. I don't know

- 1 whether it's default for everyone.
- 2 Q. Okay.
- 3 A. This is just how we set the system up.
- 4 We didn't do it specifically for legal or
- 5 anything. Secretary of State gets a lot of open
- 6 records requests, so it's a standard of how we
- 7 just set ourselves up.
- 8 Q. Okay. And we talk about e-mail and
- 9 365, you're talking about Outlook, right?
- 10 A. Yes.
- 11 Q. Okay. So do I understand right, so
- 12 after switching to 365, no one in the Secretary's
- office has the ability to delete any e-mails,
- 14 even if they delete it from their own account,
- it's still sitting on the Outlook server?
- 16 A. Yes.
- 17 Q. I guess, exchange server?
- 18 A. Yeah, that's correct. That's the right
- 19 term.
- Q. When e-mails were collected and
- 21 produced for this case, what time period was used
- 22 for that collection?
- 23 A. I -- I wasn't involved with that
- 24 collection, so I can't tell you that. And legal
- 25 has their own team that does the pulling of

- 1 e-mails. We -- we just provided them the tools
- 2 to let them do that.
- 3 Q. And so the legal team pulled -- they
- 4 ran whatever searches they ran and pulled e-mails
- 5 from the exchange server and the Commvault
- 6 server; is that right?
- 7 A. Yes. If they needed Commvault help,
- 8 they would historically have had to come to IT to
- 9 do that. But I think they pulled all the e-mails
- 10 from Commvault for this.
- 11 Q. What was the --
- 12 A. Most -- go ahead.
- 13 Q. I'm sorry. I'm sorry. I was just
- 14 going to ask, what was the e-mail system that was
- 15 used with Commvault?
- 16 A. It was on prem exchange. That means we
- 17 ran the exchange server on premise.
- 18 Q. Okay.
- 19 A. 365 is in the cloud.
- 20 Q. So the on prem exchange was -- it was
- 21 still Outlook, but it was -- it was an on-premise
- 22 system as opposed to a cloud system?
- 23 A. Correct.
- Q. And is 365, is that hosted with
- 25 Microsoft?

- 1 A. Yes, in their gov cloud.
- 2 Q. So what steps were taken, if any, to
- 3 preserve potentially relevant information for
- 4 this matter beyond the e-mails?
- 5 A. You'd have to ask somebody in legal.
- 6 Q. Okay.
- 7 A. I handle the IT side, which would be
- 8 things like Outlook. If it's non IT, then it
- 9 wouldn't come to me.
- 10 Q. What about, for example, documents
- 11 stored locally on individual employee desktops or
- 12 laptops or removable media, what steps were taken
- 13 to preserve and collect that, if any?
- A. So if it's stuff that's out there for
- somebody who has left the business, we actually
- 16 make a copy of their desktop, laptop or whatever
- and I store it, actually store it in my office
- 18 for everybody who's left, whether we knew they
- 19 were tied to this or not, that they were a
- 20 pertinent player.
- 21 Q. Okay. So beyond people who've left,
- 22 folks who have not left, what steps were taken,
- 23 if any, to preserve potentially relevant
- 24 information on their own desktops, laptops, other
- 25 devices or removable media?

- 1 A. Okay. And you'd have to ask legal what
- 2 their instructions were to those people.
- 3 Q. Okay. And then I can't remember who it
- 4 was, one of the people we deposed explained that
- 5 each employee of the Secretary's office has a
- 6 personal drive on a Secretary's office server
- 7 where they can store documents, meaning that
- 8 drive is assigned to them; is that right?
- 9 A. It's called OneDrive.
- 10 Q. Oh, you're using Microsoft OneDrive?
- 11 A. Yes.
- 12 Q. Okay. And then employees have their
- own sort of sub folder, you might call it, that's
- 14 assigned to them where they can store documents
- 15 under their name; is that right?
- 16 A. That's what -- the word called the
- 17 OneDrive.
- 18 Q. Got it. Okay.
- 19 A. Now --
- 20 Q. And what steps -- sorry.
- 21 A. So I -- I was going to say that -- that
- 22 is -- that OneDrive environment is included in
- 23 all of our backup processes.
- Q. Okay. What steps, if any, were taken
- 25 to preserve and search potentially relevant files

Page 64 in the OneDrive environment? 1 2 MR. DENTON: Objection. 3 Again, you'd have to ask -- I mean, we Α. verified that the drives are there and 5 maintained. You'd have to ask -- talk to legal about what instructions were given to people --6 7 Q. Okay. -- for those -- for that information. 8 9 Does the Secretary's office have any Q. auto deletion policies for e-mails or any other 10 electronic files or data? 11 12 I said we have a retention policy of three years that e-mails are kept on the exchange 13 14 server for three years. 15 So meaning -- go ahead. Unless -- unless -- unless there is 16 17 something tagged that we retain, which you can. 18 That's the nice thing about 365, you can tag 19 e-mails for retention, then they get rolled off 20 after three years. 21 So meaning once an e-mail reaches the 22 three-year date from the time it was sent or 23 received, it becomes automatically deleted unless 24 it's tagged for preservation; is that right? 25 MR. DENTON: Objection.

- 1 A. That's what we set up in 365.
- Q. Okay. And what steps, if any, were
- 3 taken to remove e-mails potentially relevant to
- 4 this matter from that auto delete practice?
- 5 A. As I said, the 365 has a feature that
- 6 you can go in and you can tag e-mails as on like
- 7 hold for -- let's say they're for like this, for
- 8 a legal issue and tag it. So that's a feature
- 9 within the system.
- 10 Q. What steps --
- 11 A. And then -- and then it basically will
- 12 supersede any retention policy.
- Q. What steps, if any, were taken to tag
- 14 e-mails as potentially relevant for preservation
- 15 purposes for this case?
- 16 A. Once again, you'd have to ask legal.
- 17 They're the ones that do the searches.
- 18 Q. I see.
- Okay. Do you know whether any such
- 20 steps were taken?
- 21 A. I don't. A lot of times what they'll
- do is they'll literally pull those e-mails out
- 23 and create an extract that they can store on a --
- 24 a file server that's separate.
- 25 Q. Do you know if that was done in this

Page 66 case or you just don't know one way or the other? 1 2 As I said, that's -- legal manages Α. 3 that. Q. Okay. All right. We've been going 5 close to an hour and a half. You want to take a 6 short break, Mr. Beaver? 7 Α. Sure. 8 Q. Okay. 9 THE VIDEOGRAPHER: The time is 10:29. We're off the record. 10 11 (A BRIEF RECESS WAS TAKEN.) 12 THE VIDEOGRAPHER: The time is 10:37 We're back on the record. 13 14 BY MR. CROSS: 15 Q. All right. Mr. Beaver, can you grab Exhibit 2, your 2018 declaration again, if you 16 17 would, please. Just let me know when you've got 18 that in front of you. 19 Sorry. I was on mute. I'm here. Α. 20 Q. All right. Take a look at paragraph 21 seven of your declaration. 22 Moving to paper ballots, is that what Α. 23 you're asking me? 24 Q. Yes. And so you wrote here moving to 25 paper ballots for the voting mechanism would not

Page 67 add one iota of protection to the state's voter 1 2 registration database, air gapped ballot building network or other online tools such as election 3 night reporting. 5 Do you see that? 6 Α. Yes. Is it your view that moving to the 7 8 paper ballots generated by the current BMD system 9 did not add any protection to the state's 10 election system? 11 MR. DENTON: Objection. 12 Α. It added a different protection. What did it add? 13 Ο. 14 It -- one, it changed the -- I'll say Α. 15 the attack profile of somebody trying to get in 16 and do malicious things to our system by creating 17 a more complex path. Change always makes it 18 difficult for somebody who's planning to create 19 havoc because everything they did before has to 20 -- has to change. Anything that they had done 21 prior is no longer valid. 22 Okay. Let me -- let me ask a -- I Q. 23 guess maybe a narrower question. I understood 24 what you're saying.

I understand changing the -- changing

25

Page 68 the overall operating system, I get that that's a 1 2 change between the old system and the new such as 3 from Windows to Android. I'm asking a more 4 specific question, which is did the adoption of 5 paper ballots specifically, that part of the 6 change, did that add any protection to the 7 Georgia election system in your view? 8 Did it add to? It's different. Α. 9 mean, I don't -- I don't have the security 10 analysis to say what are all the security levels 11 that are -- that our old system provided versus 12 this new system to do a side-by-side comparison. It's just different. And I -- I couldn't tell 13 14 you which one is stronger. 15 Okay. All right. Let me grab the next Q. 16 exhibit. 17 Α. Should I leave this one? 18 Q. Yes. 19 (Exhibit 3: Declaration of S. Merritt 20 Beaver marked for identification, as of 21 this date.) 22 All right. Grab Exhibit 3, if you 23 would, please. And, again, you may have to 24 refresh to get it to pop up.

You have to refresh.

25

Α.

Page 69 Exhibit 3. All right. Exhibit D it 1 2 says. 3 Yes. And if you scroll down, you'll Ο. see that this is a declaration that you signed on July 9, 2019. 5 Α. Okay. 7 Q. Do you see that at the last page? 8 Α. Yep. 9 Okay. And is it fair to say that you Q. were careful and truthful in this declaration? 10 11 Α. The best I could, yes. 12 Q. All right. Take a look at paragraph 6, 13 if you would, please. 14 Α. Yes. 15 Here you wrote, the Secretary of State's office now requires an annual 16 17 cybersecurity assessment for the CES. 18 Do you see that? 19 Α. Yes. 20 And what's CES? Q. 21 A. That's the election center, center --22 or center for elections, yes. 23 Q. And that's Michael Barnes' 24 organization; is that right? 25 Α. Yes.

- 1 Q. Why did the Secretary's office start
- 2 requiring an annual cybersecurity assessment for
- 3 the CES in 2019?
- 4 A. We expanded our existing annual
- 5 assessments just to include. We felt it was
- 6 appropriate at the time to -- to expand out and
- 7 start encapturing that. I mean, over time the
- 8 whole annual reviews started off simple, which
- 9 looks -- just looking at one data center and we
- 10 slowly added more data centers and more systems.
- 11 So it was just -- it was time to start doing
- 12 that.
- Q. Well, why was it time to start doing
- 14 that for CES in 2019 as opposed to the -- to the
- many prior years that CES existed?
- 16 A. Well, the many prior years, it was at
- 17 Kennesaw. So it was outside of our purview.
- 18 Q. Well, Kennesaw managed CES under the
- 19 direction of the Secretary of State's office,
- 20 right?
- 21 A. They were contracted, as far as I know,
- from the Secretary of State's office. But they
- 23 were considered a vendor, a third party.
- Q. Right.
- 25 And the Secretary of State's office

- does have the authority to require cybersecurity
- 2 assessments of its vendors, right?
- 3 MR. DENTON: Objection.
- 4 A. I don't know. That's a good question.
- 5 O. You're not aware of a rule that
- 6 actually requires the Secretary of State's office
- 7 to ensure that vendors that are related to the
- 8 election system do cybersecurity assessments?
- 9 A. Are you saying annually?
- 10 Q. Annually or on any schedule. Sorry, go
- 11 ahead.
- 12 A. I am not aware of a rule or any
- 13 legislation or anything that says that. I think
- 14 that is good practice that we have built over the
- 15 years since I've been here. But I don't know of
- 16 any rule. I've never been told of any rule that
- 17 states that.
- 18 Q. Okay. The cybersecurity assessment for
- 19 CES that's done annually, is that -- is there a
- 20 written report of that?
- 21 A. We don't do written reports now.
- Q. When you say now, when did that -- when
- 23 did that start?
- A. The last two years.
- Q. Why are there no written reports of ooh

Page 72 cybersecurity assessments for the Secretary's 1 2 office as of the last two years? 3 MR. DENTON: Objection. Ο. You can answer it. 5 Do you know why? 6 Yes. They're taken out of context by Α. 7 the public. What do you mean? 8 Q. 9 They read them, they don't understand 10 them, they take them out of context. 11 Ο. So how is the cybersecurity assessment 12 the -- the steps that are taken and the findings conveyed to folks at the Secretary's office if 13 14 not in writing? 15 We have conference calls. I have a working team that works with Fortalice. 16 17 review things that they say you need to be 18 looking at this, you need to be looking at that. 19 We look at our project lists of tasks that we 20 need to do across the board to figure out how do 21 we mold some of those in. Or not some of those, 22 but mold those things in. Made our life 23 difficult.

Q. You mentioned Fortalice. Is Fortalice the one that does the annual cybersecurity

- 1 assessment for CES?
- 2 A. In the recent years, yes.
- 3 Q. How long has Fortalice done it?
- A. I'd have to look for sure, but I would
- 5 quess close to five years.
- 6 Q. Who did it before that?
- 7 A. We had a company called Deloitte, a
- 8 company called Black Ice. I -- once again, I
- 9 have to go look at them. We -- we tried a number
- 10 of different companies. We're not happy with the
- 11 reports and decided to move onto the next
- 12 companies. Fortalice was the first company that
- 13 actually we felt was doing a very good job. If a
- 14 report doesn't come back and it's not painful,
- 15 it's not good.
- Q. Okay. Why is that?
- 17 A. Their job is to make us better. Our
- 18 security has increased immensely with their help.
- 19 Q. What involvement does your department
- 20 have with the annual cybersecurity assessment for
- 21 CES?
- 22 A. I contract them. They basically --
- 23 each year is slightly different. In the last few
- 24 years they are -- have been sort of asked to be
- independent and don't tell us when they're

- 1 coming, when they're doing the assessment to
- 2 basically try to catch us off guard. Then they
- 3 come back and essentially give us a results of
- 4 what they they've discovered, things that they
- 5 found that -- that we should look at.
- 6 Q. Okay. And do I understand right,
- 7 beginning in the last couple years they're now
- 8 directed to convey that orally in a conference
- 9 meeting as opposed to in writing?
- 10 A. Yes.
- 11 O. Okay. Fortalice in addition to the
- 12 cybersecurity assessment, the annual assessment,
- 13 Fortalice has been tasked with doing other sort
- 14 of narrower, more discrete assessments from time
- 15 to time for the Secretary's office; is that
- 16 right?
- 17 A. Yes, it is.
- 18 Q. And when it does that, one of the
- 19 requirements the Secretary's office typically has
- 20 is to require monthly reporting from Fortalice on
- 21 that work; is that right?
- 22 A. It has in the past, yes.
- 23 Q. But those monthly --
- A. We haven't done any of that type of
- 25 activity probably in the last year and a half.

- 1 Q. Why not?
- 2 A. We didn't have any events or incidents
- 3 that required it.
- 4 Q. The monthly reporting, is that
- 5 typically in writing or is that also now not in
- 6 writing?
- 7 A. Not in writing. And in the -- we're
- 8 not necessarily having any monthly reporting for
- 9 a while, probably for almost the last year.
- 10 Q. So Fortalice did an annual
- 11 cybersecurity assessment of CES in 2020; is that
- 12 right?
- 13 A. Yes.
- 14 Q. And the findings that came out of that,
- 15 those were conveyed in -- in a conference meeting
- 16 with your team and others; is that right?
- 17 A. Yes.
- 18 Q. What -- what exactly was the scope of
- 19 work that Fortalice did for that assessment in
- 20 2020?
- 21 A. Okay. I was not in that meeting. So I
- 22 can't tell you. I don't know.
- Q. Who would you ask?
- 24 A. I know Bill Warwick was involved. But
- 25 he no longer works here. I forget who else?

- 1 Dave Hamilton was involved. He's no longer here.
- 2 Q. Anyone else?
- 3 A. No, I don't -- there probably was, but
- 4 I don't know who they were. Those are the two
- 5 managers or leaders.
- Q. Who determined the scope of Fortalice's
- 7 work in 2020 for the annual cybersecurity
- 8 assessment of CES?
- 9 A. I think that was more of a -- and it --
- 10 and it goes on today. It's a conference call
- 11 that goes on with them where we discuss what
- 12 would make most sense on the call.
- 13 O. So for 2020 --
- 14 A. As of today is have a conference call,
- 15 let's talk about what we think would be good to
- 16 do and we come to an agreement.
- 17 Q. And when did that call happen in 2020
- 18 for that assessment?
- 19 A. I don't have a date for that.
- Q. Well, does it typically happen --
- 21 A. Earlier in the year.
- Q. Okay. Like first quarter?
- 23 A. Probably -- I mean, this year's
- 24 conversation is going on now.
- 25 Q. So is it fair to say that that for --

- 1 in 2020 and 2021 and 2022 the kickoff conference
- 2 with Fortalice for the annual assessment
- 3 typically happens sometime in the first quarter
- 4 of the year?
- 5 MR. DENTON: Objection.
- A. I don't know for sure. That would make
- 7 sense. We contract them annually.
- 8 Q. Okay. And who all was in the kickoff
- 9 conference with Fortalice in 2020?
- 10 You mentioned Bill Warwick, David
- 11 Hamilton. Who else was in that?
- 12 A. As I said, I don't know who else.
- 13 Those would be the main people.
- 14 Q. What about in the 2021 kickoff
- 15 conference?
- 16 A. Same thing. People.
- 17 Q. You just -- oh, Mr. Warwick and Mr.
- 18 Hamilton would have been in that?
- 19 A. Yep. Yes.
- Q. And you don't know who else might have
- 21 been in it?
- 22 A. No. There -- I mean, they're my
- 23 managers. I don't get involved at that level.
- Q. And what about 2022, who was in that
- 25 kickoff conference?

Page 78 Oh, it's not -- it's just planned right 1 Α. 2 now. So I will be involved in that one. They'll be one or two other people from here involved. 3 4 0. Who else is expected to be in that? 5 Probably Kevin Fitts and Jason 6 Matthews. 7 Q. And they both work with you? 8 Α. Yes. 9 Why are you joining this year but not Q. 10 the last couple years? 11 Α. I've lost some key people this year 12 being Dave Hamilton and Bill Warwick, who are 13 critical -- I wouldn't say critical. Were key 14 leaders in my organization. 15 Sure. Where did Bill Warwick go? Q. 16 A. Palo Alto. When did he leave? 17 Q. 18 Α. Last Friday. 19 Do you know why he left? Q. 20 Α. Money. He's in private sector? 21 Q. 22 Α. Yes. 23 Do you know where he works? Q. In Atlanta. 24 Α. 25 Wait. I thought you said he went to Q.

Case 1:17-cv-02989-AT Document 1368-2 Filed 04/13/22 Page 79 of 259 Page 79 Palo Alto? 1 2 That's the company. Α. 3 Oh, oh, it's called -- oh, the company is called Palo Alto and it's based in Atlanta? 5 Α. Yes. Well, I -- they have an office in 6 Atlanta. I don't know where they're based. 7 Q. I got it. Okay. All right. Sorry. 8 Were there any performance concerns or negative issues with Mr. Warwick when he left? 9 10 I hated to see him go. He was Α. 11 probably my strongest engineer. 12 All right. So for the 2020 annual 13 cybersecurity assessment for CES, what were the 14 steps that took -- Fortalice took for that 15 assessment? 16 You mean how did they do their 17 assessment? 18 Q. Yes. 19 I don't have that information. 20 Who would you ask to get that Q. information? 21 22 I would have asked Bill and Dave. Α. Who would you ask today? 23 Q.

I probably have to call Fortalice.

think the person that was involved then has left

24

25

Α.

- 1 there also.
- 2 O. Who was that?
- 3 A. I'd have to go see if I could dig up an
- 4 old contact list. But our old contacts for there
- 5 left around the end of 2020, early 2021.
- 6 Q. Okay.
- 7 A. I don't remember his name. I have a
- 8 lot of vendors.
- 9 Q. What were the findings that Fortalice
- 10 reached in 2020 for the annual assessment?
- 11 A. I don't have that list.
- 12 Q. Would you ask --
- 13 A. Depended on Dave, Dave and Bill to
- 14 implement them. I basically asked did we have
- 15 the assessment? Yes, we did. Are we working it
- 16 into our -- our scheduled maintenance and
- 17 upgrades? Yes, we are.
- 18 Q. Okay. What recommendations, if any,
- 19 did Fortalice make in 2020?
- 20 A. As I said, I -- that's the same
- 21 question I think. I don't have that.
- 22 Q. Yeah, I didn't know if there was a
- 23 difference between their findings, meaning they
- 24 found certain things, and then separately they
- 25 made recommendations on what to address?

- 1 A. No.
- Q. Okay. Do you recall any significant
- 3 concerns or any significant findings or
- 4 recommendations coming out of the 2020
- 5 assessment?
- 6 A. Nothing was raised to me.
- 7 MR. DENTON: Objection.
- 8 Q. Okay. If I were to ask you the same
- 9 questions about the 2021 assessment, would it be
- 10 the same answers that you would need to talk to
- 11 Mr. Hamilton or someone at Warwick or someone at
- 12 Fortalice?
- 13 A. Yes.
- 14 Q. And were there any significant concerns
- 15 raised with you coming out of the 2021 Fortalice
- 16 assessment?
- 17 A. Nothing was raised to me.
- 18 Q. What's the scope that's planned for the
- 19 2022 assessment?
- 20 A. That's what the conference call will
- 21 work on.
- Q. And when is that planned for?
- 23 A. I just made a request that we get a
- 24 meeting set up here in the next couple of weeks.
- 25 Won't be for another two or three weeks because

- 1 I'm out of town.
- 2 Q. Do you have a scope in mind for what
- 3 you think they need to look at this year for CES?
- 4 A. Validate that our environment still is
- 5 following this protocol. Basically, we have not
- 6 been able to do a scan of what's in it right now
- 7 because introducing a scanned product would
- 8 introduce an outside application, which would
- 9 potentially endanger the environment. I mean,
- 10 once you bring third-party software into it, you
- 11 are now basically no longer having a sterile
- 12 environment. So part of the talking was like
- 13 what could we do? Is there anything we can do
- 14 not to disrupt that sterile environment? They
- 15 may come back and say you can't. I don't know.
- 16 Q. Do you recall receiving any e-mails
- 17 from anyone on your team regarding the 2020
- 18 Fortalice annual assessment for CES?
- 19 A. No e-mails that I can think of. I -- I
- 20 do know conversations that were had.
- Q. Okay. And is that also true for 2021?
- 22 A. Correct. Pretty much. I mean, the
- 23 guys work right down the hall in the same area.
- 24 So they'll come in. And typically the last two
- 25 have been -- they have been pretty happy.

- 1 Fortalice has not been able to penetrate the
- 2 networks. We've had to let them in in order for
- 3 them to continue their testing.
- 4 Q. So you anticipate where I was going to
- 5 qo. The 2020 and 2021 assessments included
- 6 penetration testing, right?
- 7 A. Yes.
- 8 Q. And do I understand correctly, it's
- 9 your understanding that the penetration testing
- 10 by Fortalice failed in both 2020 and 2021?
- 11 A. My understanding is that it failed.
- 12 Q. Okay. All right. What --
- 13 A. When you say penetration testing, that
- 14 means them trying to get access into our system.
- 15 Q. And what systems were they -- strike
- 16 that.
- You may not know because I think you
- 18 said you didn't know the scope. But let me just
- 19 be sure. What specific systems at the
- 20 Secretary's office were within the scope of the
- 21 penetration testing in 2020?
- 22 A. The only one that they could actually
- 23 do potentially penetration testing is our data
- 24 centers where the voter registration system is,
- 25 the SOS, other applications such as corporations,

- 1 POB, securities applications are in -- e-mail
- 2 environment, those. Has not -- they can't do
- 3 penetrations testing on any of the CES
- 4 environment, the -- a Dominion environment.
- 5 Q. Why not?
- A. It is not tied to any network, whether
- 7 it be Wi-Fi or hard wire that they could come
- 8 through. It is completely isolated out.
- 9 Q. Have you had them test that?
- 10 A. We had them -- I think -- when we first
- 11 built it, I believe that was one of the tests.
- 12 But I'd have to go validate that to see whether
- 13 or not there was a connection out.
- Q. Okay. So as you sit here today, you
- don't recall any specific test Fortalice has done
- 16 to penetrate the CES network; is that right?
- 17 MR. DENTON: Objection.
- 18 A. I don't know.
- 19 Q. Okay. All right. Come to paragraph 13
- 20 of your 2019 declaration, if you would.
- 21 Exhibit 2.
- MR. DENTON: Sorry, David, is this
- Exhibit 2 or 3?
- MR. CROSS: Oh, good question. Maybe
- it's Exhibit 3. Let's see.

Page 85 I'm in Exhibit 3. I'm looking at 13 --1 Α. 2 Q. Yes. 3 -- established. Α. That's right. Sorry, it's Exhibit 3. 4 Q. 5 All right. Yes, and so paragraph 13 6 you wrote, the Secretary of State's office has 7 established a new hardened air gapped Secretary 8 of State IT managed network which houses both the 9 GEMS ballot building process and the express poll 10 data set production. 11 Do you see that? 12 Α. Yes. 13 What was the express poll data set Q. 14 production? 15 So this is the old system. This is 16 what we built when we brought the -- all of the 17 stuff that was in the Kennesaw environment over. 18 So the GEMS ballot and express poll were both two 19 of the systems that were part of the old systems. 20 One was the poll -- not a poll pad. There was a 21 polling device and the other one was the GEMS 22 ballot building application. 23 The express poll data set production, 24 was that the voter registration information? 25 That is not the voter registration Α.

- 1 system. That would use the data that came over
- 2 from the voter registration system. That's that
- 3 every -- prior to every election, I don't -- take
- 4 me to it -- but I think it's 40 days before the
- 5 election we bring a data file over. But the
- 6 exact time frame I'm not positive on gets brought
- 7 over from the voting registration system over
- 8 into this environment using the protocol I just
- 9 -- I described earlier.
- 10 Q. Okay. Got it.
- Okay. And just sticking with the GEMS
- 12 system for a moment, the express poll data set
- 13 production sat within the air gapped network that
- 14 included the GEMS ballot building process. What
- 15 was the set up? Did the data set sit on the same
- server as GEMS or was it a separate server?
- 17 MR. DENTON: Objection.
- 18 A. I don't recall.
- 19 Q. Okay. Do you know what the setup is
- 20 today?
- Does the -- the voter registration data
- 22 that's used for the poll pad system, does that
- 23 sit on the Dominion EMS server or is it somewhere
- 24 else in that air gapped network?
- MR. DENTON: Objection.

- 1 A. It does -- it does not share the same
- 2 server. I don't know -- the poll pad, you'd have
- 3 to ask Michael Barnes about that.
- 4 Q. Okay.
- 5 A. Where that one is.
- 6 Q. Okay. And what's the basis for your
- 7 belief that the voter registration data set
- 8 that's used with the Dominion system doesn't set
- 9 on the EMS server?
- 10 A. Are you saying the extract that comes
- 11 out of the voter registration system or the data
- 12 from the -- the whole voter registration system
- 13 data.
- 14 Q. The extract that's used with -- with
- 15 the Dominion software.
- 16 A. So the ballot building software does a
- 17 extract from the voter registration system for
- 18 candidates. It brings over candidate
- 19 information, not voter information. So that
- 20 comes off and gets put over there. Poll pads are
- 21 interested in valid voters. So you have two
- 22 environments. One is interested in candidates,
- 23 one is interested in voters.
- 24 Q. Got it.
- Okay. The candidate information, that

- 1 is what sits on the EMS server. The voter
- 2 registration data, meaning about the voters
- 3 themselves, does not. Do I have that right?
- 4 A. That would go over to wherever the poll
- 5 pad software is.
- 6 Q. Got it.
- 7 Okay. The candidate information that's
- 8 loaded to the EMS ballot building server, where
- 9 does that candidate information come from?
- 10 A. Candidate comes from the voter
- 11 registration system. We actually store it within
- 12 the same environment. So it's a sub application
- of the voter registration is the candidate. We
- 14 call it the candidate module.
- 15 Q. And when you say it's stored in the
- 16 same environment as the EMS, what -- what do you
- 17 mean?
- 18 A. Not as -- the candidate information is
- 19 collected and managed in the voter registration
- 20 system. Not the EMS.
- 21 O. Got it.
- So when you said stored in the same
- 23 system, you meant the voter registration system,
- 24 not the EMS server?
- 25 A. Correct.

- 1 Q. Okay. Got it.
- 2 Have you given any consideration to
- 3 asking Fortalice to do penetration testing for
- 4 CES this year?
- 5 A. We haven't. It's not outside the
- 6 purview of something that we could do. I mean,
- 7 it's an interesting thought.
- 8 Q. Sure.
- 9 A. Not sure what they would do. But, I
- 10 mean, that's -- that's their job. And they --
- 11 it's -- as I said, it's an air gapped
- 12 environment. Not sure -- you know, your -- it
- 13 would not be a typical penetration test, which is
- 14 Internet based. That's what penetration test is,
- 15 an Internet based. And since this is not tied to
- 16 the Internet, not sure what they would do. But
- 17 it's a question. It's a valid question we could
- 18 ask.
- 19 Q. So take a look at paragraph 15, please,
- 20 in your declaration from 2019. Do you have that
- 21 in front of you? It begins with additionally.
- 22 A. Yep, I see it.
- Q. And here you wrote, Additionally now
- 24 all watermarked ballot proofs and database
- 25 structure reports prepared for each county are in

- 1 PDF format only and placed within a
- 2 county-specific folder on the Secretary of State
- 3 IT managed and secured file transfer protocol or
- 4 what's called an SFTP site.
- 5 Do you see that?
- 6 A. Yep.
- 7 Q. Is that the same process with the
- 8 Dominion system today or has that process
- 9 changed?
- MR. DENTON: Objection.
- 11 A. I believe that's the same process.
- 12 Q. Okay.
- 13 A. I have not heard it's changed. That is
- 14 not stored within the domain of that air gapped
- 15 environment. That is outside of that
- 16 environment.
- 17 Q. Okay. If you look at paragraph 16,
- 18 here you wrote, Likewise, the only non PDF files
- 19 made available to counties through the Secretary
- of State's SFTP site are ExpressPoll logic and
- 21 accuracy testing, ExpressPoll absentee and
- 22 ExpressPoll bulk update data sets.
- Do you see that?
- 24 A. Yes.
- Q. And do you have an understanding, is

- 1 that also the same process today with Dominion
- 2 and the poll pad software that's used?
- 3 A. That would be a Michael Barnes
- 4 conversation.
- 5 Q. Okay. Is it your belief that logic and
- 6 accuracy testing done on BMDs provide
- 7 cybersecurity assessments for those machines?
- 8 A. It is one of the layers we use.
- 9 Remember I said that security is not one thing,
- 10 it's one of many layers. It's an important to
- 11 valid validate that the software that's on there
- is what you expect to be on there and there's
- 13 nothing else on that system. So yes, it is one
- 14 of the layers.
- 15 Q. And is it your understanding that logic
- 16 and accuracy testing actually validates the
- 17 software that's on a given BMD?
- 18 A. It validates that it matches a hash
- 19 test. Means if you hash the file, you will get a
- 20 respondent hash. If you hash a file that has
- 21 been modified at all or is of a different
- 22 structure, meaning something hiding there with
- 23 the same name, it will come back a different
- 24 hash. And it will fail.
- Q. But do you understand that it's common

Page 92 with malware to design malware so that it defeats 1 2 the hash test, meaning it will spit back the same hash that you're looking for when you're doing 3 something like logic and accuracy testing? 4 5 MR. DENTON: Objection. 6 Α. I don't have any -- any document that 7 says that. 8 That's not something you've heard Q. 9 before? 10 Α. Nope. 11 Q. Okay. All right. Take a look at 12 paragraph 18, please. 13 Do you have that in front of you? 14 Yes, I do. Α. 15 And here you wrote, State defendants also conducted parallel testing on election day 16 17 for a copy of an actual county GEMS database is 18 used with a voting machine set up in the 19 Secretary of State's office and set an election 20 mode for a specific real county precinct. 21 Do you see that? 22 Α. Yes. 23 Is that same sort of parallel testing Q.

done today with the Dominion system?

I'm not aware of that.

24

25

Α.

- 1 Q. You just don't know one way or the
- 2 other?
- 3 A. Correct. I have not heard that that's
- 4 being done. That doesn't mean it's not being
- 5 done. I just not -- have not heard of it. I did
- 6 know this because I was involved with helping
- 7 them set it up.
- 8 Q. Would you expect Michael Barnes to know
- 9 the answer to this?
- 10 A. Yes.
- 11 Q. Okay. And when you wrote this, was it
- 12 your understanding that this sort of parallel
- 13 testing is an effective way to test the security
- of the voting equipment in the state?
- 15 A. It's one of many ways to test. As I
- 16 said, it's part of the layered approach is you
- 17 come at the problem from multiple different
- 18 directions looking for anomalies.
- 19 Q. But this is one of them; is that fair?
- 20 A. Yes, yes, this is one of them.
- Q. Okay. Have you ever heard from any
- 22 election security experts that this sort of
- 23 parallel testing actually does not provide a
- 24 reliable indication of whether the voting
- 25 equipment is secure?

Page 94 No, I've never heard of that. 1 Α. 2 Okay. Q. 3 Not sure what they would base that on, Α. 4 but... (Exhibit 4: LinkedIn Printout of 5 6 Merritt Beaver's profile page marked for 7 identification, as of this date.) All right. Let me pull up the next 8 9 exhibit. Give me one second. 10 All right. Exhibit 4 should pop up in 11 a moment here. If you can open that, Mr. Beaver. 12 Okay. All right. I have it open. Α. Does this look to be a fair and 13 Ο. 14 accurate copy of your LinkedIn profile? 15 Α. I haven't looked at LinkedIn in so 16 long. I'd have to compare. But it looks like 17 maybe what I did. It's probably been a couple of years since I've looked at it. 18 19 Okay. And that gets to the next 20 question I was going to ask you. Is this -- I 21 see that it has your current position, chief 22 information officer at Georgia Insurance and 23 Safety Fire Commission and Georgia Secretary of State. Is that still your current position? 24 25 Yes. Α.

Page 95 1 MR. DENTON: Objection. 2 Just read through this, if you would Q. 3 take a moment, and tell me are -- are there any professional positions you've had that are not 4 5 listed here that you think you would want to 6 identify today? 7 MR. DENTON: Objection. I'm not sure what you're asking. 8 9 a overview of, you know, 35 to 40 years of work. 10 Q. Yeah, I'm just trying to make sure 11 whether this generally captures your -- your work 12 experience over the years or is there some significant job or position you've had in the 13 14 past that -- that's not reflected here? 15 MR. DENTON: Objection. 16 It is my profile that I wrote. 17 Q. And is it a generally accurate 18 reflection of your work experience over the 19 years? 20 MR. DENTON: Objection. 21 I -- I would say it's what I wrote Α. 22 based on what I felt that I needed to put out on 23 LinkedIn. 24 Q. Okay. 25 I mean, I can't tell you about -- when Α.

- 1 you say accurate, I don't know what the context
- 2 of that conversation is. It is my view of my
- 3 past.
- 4 Q. Well, is there anything in here that
- 5 you think may be incorrect?
- 6 A. Not that I can see.
- 7 Q. Okay. And your education, you
- 8 graduated from Virginia Tech -- sorry, graduated
- 9 from Virginia Tech in 1981 with a degree in
- 10 electrical engineering; is that right?
- 11 A. Correct.
- 12 Q. So you do not have a degree in computer
- 13 science; is that right?
- 14 A. No. I have an electrical engineering
- 15 degree. Not sure what that means, but...
- Q. Well, when you say no, are you saying
- 17 that I'm wrong or --
- 18 A. No. I mean, you asked me do I have a
- 19 computer science degree. No, I have an
- 20 electrical engineering degree.
- 21 Q. And those are -- those are distinct
- 22 degrees, right?
- You could have gotten a degree in
- 24 computer science, you chose electrical
- 25 engineering; is that -- is that right?

Page 97 1 MR. DENTON: Objection. 2 I'm not sure what you're asking. Α. 3 mean, yes, there are -- colleges give lots of 4 degrees. I picked the career -- or not the 5 career, the degree that I was going after was 6 electrical. 7 Q. All right. It's -- it's not meant to 8 be a trick question. I'm -- some people have 9 degrees in computer science. And I'm just trying to understand when you were going to Virginia 10 11 Tech and got your electrical engineering degree, 12 that's not a computer science degree? 13 Correct. Α. 14 Q. Okay. 15 MR. DENTON: Objection. Do you recall in 2018, just a few days 16 17 before the November election, that then Secretary 18 Kemp publically announced that the Democratic 19 party of Georgia had tried to hack some component 20 of the election system? 21 Α. Yes. 22 Were you involved in that situation at Q. 23 all? 24 Α. Yes. 25 MR. DENTON: Objection.

- 1 Q. What was your involvement?
- 2 A. As the CIO, I was brought in to help
- 3 analyze what was going on, to help lead the --
- 4 basically the team to figure out just what was
- 5 going on with the system. I believe legal
- 6 contacted me.
- 7 Q. What did you determine was going on at
- 8 that time with that incident?
- 9 A. You mean at that specific time when I
- 10 was brought in?
- 11 Q. Yes.
- 12 A. Didn't know. I had to bring a team
- 13 together to see if we can analyze what was going
- 14 on, both our vendor and Fortalice.
- 15 Q. Was the vendor PCC?
- 16 A. Yes.
- 17 Q. Before the Secretary's office made the
- 18 accusation of a hack by the Democratic party of
- 19 Georgia, did you offer any view to anyone in the
- 20 Secretary's office on whether there had been some
- 21 attempted hack?
- 22 A. Did I have -- I was asked information
- 23 that came from a third party person who was tied
- 24 to the Democratic party office. Their e-mail
- 25 address was Democratic party, whatever their

- 1 e-mail it was. That was identified in the e-mail
- 2 saying I have hacked the system. That's what the
- 3 e-mail said. So the person's e-mail with the
- 4 e-mail address of being from the Democratic party
- 5 stated in the e-mail I have hacked the system.
- 6 That's what raised the first question that gee,
- 7 looks like somebody in the Democratic party has
- 8 declared they have hacked the system.
- 9 Q. And you --
- 10 A. The question --
- 11 Q. You saw an e-mail from someone with a
- 12 Democratic party of Georgia address that had the
- words I hacked the system?
- 14 A. Yes. Yes. Well, it said essentially I
- 15 have broken into the system or I have been able
- 16 to breach the system. I have proof that I can
- 17 get into the system, something like that. I
- don't know if they used the word hacked, but they
- 19 said I, to be read as the person who wrote the
- 20 e-mail, have compromised, hacked, whatever you
- 21 want to call it. I don't know what the words
- 22 are. I have to go see if we can find that
- e-mail.
- So our assumption is if somebody who's
- 25 sending an e-mail from the Democratic party

- 1 e-mail address stating I have compromised your
- 2 system, sounds like somebody from the Democratic
- 3 party has tried to hack our system. I'm not sure
- 4 what other assumptions you would make. So that
- 5 was our first view.
- Q. You thought someone in the Democratic
- 7 party of Georgia hacked some component of the
- 8 election system and then sent you an e-mail and
- 9 told you they had done that; is that right?
- 10 A. They didn't send it to me. I said I
- 11 got a copy of an e-mail. An e-mail was actually,
- 12 I think, and I'd have to go back through, sent to
- 13 counsel for the Democratic party who knew that
- 14 apparently we were in litigation, knew that he
- 15 needed to share information and sent a copy
- 16 across, which was shared with me. So I did not
- 17 get the e-mail. It was a shared e-mail from
- 18 legal counsel and I think it was the Democratic
- 19 party's legal counsel. But it's been a long
- 20 time. I don't have all of the details in front
- 21 of her -- in front of me.
- MR. CROSS: Alex, we request production
- of all the e-mails associated with what
- he's discussing. Because I don't think
- we've seen anything like that.

- 1 A. Now, we later found out that the person
- 2 claimed that the message was not I have -- from
- 3 the e-mail sender, she said oh, well no, I just
- 4 cut and pasted from somebody else's e-mail into
- 5 my e-mail and sent it directly. But on initial
- 6 seeing of it, we -- nobody had talked with that
- 7 person directly.
- 8 Q. When did you --
- 9 A. Learned days later.
- 10 Q. Sorry, it was days later?
- 11 A. Yes. As far as I remember. As I said,
- it's been a number of years. I don't have all
- 13 the time frames down.
- MR. DENTON: David, I'm told that you
- may already have that e-mail. I certainly
- will take another look to follow up. But I
- 17 understand that may have -- whatever Mr.
- Beaver is referencing may have already been
- 19 produced.
- 20 MR. CROSS: Okay. Yeah, if you guys
- could confirm with him, check his e-mails.
- Because what he's describing sounds quite
- 23 different.
- 24 Q. Okay.
- 25 A. Do we want to go into what actually

- 1 happened.
- 2 Q. Yeah, we're going to walk through that.
- 3 A. Okay.
- 4 Q. The -- do you recall the time frame of
- 5 this was the election was on a Tuesday in
- 6 November, as usual, and the Secretary's office
- 7 learned of this incident on the Saturday before.
- 8 Does that sound about right?
- 9 A. I think the actual communication was on
- 10 Friday night and a lot of activities happened
- 11 overnight and a lot of it came -- more details
- 12 came out on Saturday.
- 13 Q. Okay. And the Secretary released the
- 14 statement about the Democratic party on Sunday
- 15 morning before the election.
- Do you recall that time frame?
- 17 A. It sounds right. I mean, I'm not -- I
- 18 wouldn't swear to it. I just know it was
- 19 something was released.
- Q. Did you ever learn that I personally
- 21 had a conversation with John Salter, the
- 22 Secretary of State's trial counsel at that point
- 23 in this Curling litigation, on Saturday and
- 24 explained to him that this was coming from a
- 25 concerned voter that just stumbled upon this

- 1 vulnerability and that it had nothing do with the
- 2 Democratic party and that we reported it to him
- 3 so he could alert the Secretary's office; is that
- 4 something you're aware of?
- 5 A. Not aware -- no.
- 6 Q. So you're not aware that the
- 7 Secretary's office learned that before it
- 8 released the statement about the Democratic party
- 9 on Sunday?
- 10 A. I'm not aware of that.
- 11 Q. Okay. And so when you were looking
- 12 into this situation and what was going on, no one
- 13 conveyed that information to you?
- 14 A. Correct.
- 15 Q. All right. I do want to talk through
- 16 the details of this. But we have to take a short
- 17 break, Mr. Beaver, because the court has a
- 18 hearing in this case at 11:30 that shouldn't take
- 19 very long. So let's go off the record.
- THE VIDEOGRAPHER: The time is 11:27.
- We're off the record.
- 22 (A BRIEF RECESS WAS TAKEN.)
- THE VIDEOGRAPHER: The time is 12:35.
- We're back on the record.
- MR. DENTON: David, before you

```
Page 104
           continue, sorry, I learned during the break
1
 2
           that Mr. Beaver had previously informed us
3
           that regards his availability for today
 4
           that he has a flight tonight and that he
 5
           needs to be out of the office by 4:15 or
 6
           4:30 at the very latest. I don't know
7
           whether that was communicated to you.
           I wanted to let you know. And I'm hopeful
 8
9
           that you'll be able to wrap up by 4:15 so
10
           he can catch his flight.
11
               MR. CROSS: Okay. Yeah, I mean, we --
12
           I surely don't want anybody to miss a
13
           flight. I don't -- I don't remember us
14
           learning that. We'll get you out
15
           regardless. And if we still have time we
16
           need, we can figure that out at the end.
17
           But certainly no one's going to make you
18
           miss a flight, Mr. Beaver.
19
               MR. DENTON: Thanks, David.
20
               MR. CROSS: Yeah.
21
               Can you guys hear me now?
          Α.
22
          Q.
               Yes.
23
               Okay. We were playing with the
          Α.
24
    microphones before.
25
          Q.
               Okay. All right. Mr. Beaver, we left
```

- 1 off talking about the incident in -- just before
- 2 the November 2018 election involving an
- 3 allegation of attempted hacking by the Democratic
- 4 party of Georgia. And you asked me at some point
- 5 if I wanted to know what actually happened. I
- 6 do. So tell me what you know about that
- 7 situation, if you would, please.
- 8 A. Well, there's a whole stir around the
- 9 communication back and forth of how we got the
- 10 information. That's probably better told by our
- 11 legal counsel because I think they lead that
- 12 communication. The actual analysis of what was
- 13 going on that they were declaring a -- I think
- 14 the term of theirs was a major breach was
- 15 actually what happened was somebody discovered a
- 16 programming issue we had with our my voter page.
- 17 So that's not the voter registration system. The
- 18 my voter page is a separate application that uses
- 19 a non-readable or non-edible data extract from
- 20 the voter election system. That means it is a
- 21 one-way transfer of data from voter election
- 22 system to the database that my voter page works
- 23 on.
- 24 The bug that they found was that if
- 25 somebody goes in and looks up their precinct

- 1 information, they can print out essentially what
- 2 looks like a precinct card or an information
- 3 about where to go vote. And they found that if
- 4 they take the URL and change the last digit,
- 5 which was the counter, to a prior counter, they
- 6 could pull up somebody else's voter registration
- 7 card and see where they could vote.
- Now, that's bad practice for any system
- 9 to be able to allow people to do that. It was
- 10 not a breach in the ability to go in and modify
- 11 any data. But it did expose, I guess, voter
- 12 registration precinct cards for the past. And I
- 13 think the window was like an hour when cache gets
- 14 cleared. So you can go back and probably see 20
- or 30 cards of people if you just walked back
- 16 through the numbers.
- We discovered that with the help of
- 18 both civics and Fortalice to figure out just what
- 19 it was.
- 20 We also went back through the system to
- 21 see whether or not the perpetrator was able to do
- 22 anything more than just pull up prior records.
- 23 And they were not. They were not able to
- 24 actually penetrate into the system. They were
- 25 able to just pull up the last X number of

- 1 precinct cards that somebody had displayed on
- 2 their computer. So that was actually fixed
- 3 overnight. I can't remember whether it was fixed
- 4 Friday night or Saturday night. But one of those
- 5 two nights it was fixed before Sunday. And then
- 6 it became more -- after we fixed it, we went back
- 7 and did the forensics to see whether or not
- 8 anything had got further into the system and had
- 9 discovered no, that nothing was actually breached
- 10 into the system. They were able to just print a
- 11 few precinct cards.
- 12 Q. Okay. The vulnerabilities that were
- 13 identified with the system at that time,
- 14 Fortalice found that those vulnerabilities did,
- in fact, exist with the system, but that there
- 16 was no evidence that they were exploited in a way
- 17 that they would alter data or take data out of
- 18 the system; is that fair?
- 19 A. Correct.
- Q. Okay. And you mentioned the my voter
- 21 page, there was a second system that Fortalice
- 22 looked at at the time that's called is it OLVR or
- 23 something like that?
- A. Online voter registration system, yes.
- 25 Q. And those are two separate systems,

- 1 right?
- 2 A. Correct.
- 3 Q. And Fortalice found vulnerabilities
- 4 with each of those two systems. But, again, no
- 5 evidence that data had been altered or extracted;
- 6 is that right?
- 7 A. Correct. And both were fixed.
- 8 Q. Right.
- 9 And measures were taken by the
- 10 Secretary's office sometime in that weekend when
- 11 this issue came to light to -- to mitigate both
- of those vulnerabilities; is that right?
- 13 A. Yes. My best -- well, I know we fixed
- 14 the stuff right away that weekend, so...
- 15 Q. Okay. Did you -- were you given an
- 16 opportunity to review any of the public
- 17 statements that the Secretary's office put out or
- any communications with the press about those
- 19 incidence before those statements were made?
- 20 A. Not that I recognize -- I mean,
- 21 remember. I mean, I focus on the IT
- 22 infrastructure press releases and all that media
- 23 kind of stuff is handled by the Secretary's front
- 24 office.
- Q. Okay. And was there ever a time in the

- 1 few days that the Secretary was dealing with this
- 2 incident in making statements about it or his
- 3 office was where anyone consulted you on what to
- 4 say to the public or the press about this?
- 5 A. No. I think legal assumes engineers
- 6 aren't -- don't make the best press people.
- 7 Q. Okay. When did you first learn that
- 8 there actually was no attempted hack?
- 9 MR. DENTON: Objection.
- 10 A. I'm -- I guess I don't understand quite
- 11 what you mean by learned that there was no --
- 12 when you say when did we discover that it wasn't
- 13 actually a successful penetration?
- Q. No. When did you first learn that no
- one had actually tried -- that there was no bad
- 16 actor who had actually tried to hack any aspect
- of the -- of the my voter page or the OLVR?
- 18 MR. DENTON: Objection.
- 19 A. It was part of -- I'm -- I will say I'm
- 20 assuming from your question you're asking when
- 21 did we discover that all this person was able to
- 22 do was print prior precinct cards and not able to
- 23 penetrate the system. That was later in the week
- 24 when forensics -- the forensics were done by
- 25 Fortalice. I think we actually figured it out

- 1 before the election. But I can't swear to when
- 2 we actually determined okay, everything is clean
- 3 and safe.
- 4 Q. Are you aware that GBI, the Georgia
- 5 Bureau of Investigation, conducted its own
- 6 investigation into this incident?
- 7 A. I'm pretty confident the answer is yes.
- 8 I do recall working with -- I'll say working or
- 9 talking to GBI about it. So I guess yes.
- 10 Q. And were you aware that the GBI found
- 11 that there was no attempted hack?
- 12 A. I think that's what I remember hearing.
- 13 So that that was their -- I think their claim was
- 14 that they could not prove that there was an
- 15 attempted hack.
- 16 Q. Well, that there was no evidence of an
- 17 attempted hack, right?
- 18 A. I don't know whether that's a semantic
- 19 question. If they -- if they working with the
- 20 detectives they're saying that they could not
- 21 find substantial proof, I don't know what
- 22 insubstantial or other things they had. But I
- 23 just know that they said they didn't have enough
- 24 to bring charges for the -- the action. And
- 25 that's how -- where it was left with me. I mean,

- 1 I wasn't consulted. I was just sort of brought
- 2 up to date by the detective.
- 3 Q. Are you aware that the GBA -- the GBI
- 4 found and recommended closing the case as a
- 5 result of this finding that, quote, the
- 6 investigation by the GBI revealed no evidence of
- 7 damage to the Secretary of State's office network
- 8 or computers and no evidence of theft, damage or
- 9 loss of data, are you aware of that finding?
- MR. DENTON: Objection.
- 11 A. I don't recall reading that. I
- 12 probably had somebody tell me that. I mean, that
- 13 does not sound different. I just -- I know that
- 14 the issue basically was put to bed that other
- 15 than someone claiming -- making a claim versus
- 16 actually doing something was what really
- 17 happened.
- 18 Q. And you've talked a bit about this
- 19 individual who raised the concern about the my
- 20 voter page. But didn't it also come to light
- 21 that some of what lead the Secretary's office to
- 22 make the hacking accusation was actually standard
- 23 testing by the Department of Hum- -- Department
- of Homeland Security on the Georgia state system?
- 25 A. Well, you're -- now you've brought in a

Page 112 whole new event, which I think was back in -- was 1 it 2016? 2 3 Didn't -- wasn't this what happened in Ο. 2018 at the same time? 4 5 No. As far as I know, the -- the 6 Department of Homeland Security event I'm pretty 7 confident was back in 2016. 8 (Exhibit 5: Atlanta 9 Journal-Constitution article entitled Case 10 files discredit Kemp's accusation that 11 democrats tried to hack Georgia election 12 marked for identification, as of this 13 date.) All right. Grab Exhibit 5, if you 14 Q. 15 would, please. Just let me know when you've got 16 it in front of you. 17 Α. I have it now. 18 And do you see this is a Atlanta 19 Journal Constitution article about the hacking 20 allegations from 2018 we were just discussing? 21 Α. Yes. 22 Have you seen this article before? Do 23 you recall seeing it? 24 Α. No. I mean, there was so much stuff in 25 the press. I -- I don't tend to read all this

Page 113 1 stuff. 2 Q. Okay. 3 So... Α. 0. Are you familiar with Mark Niesse, the 5 reporter here? 6 Α. I think I've heard the name. 7 Q. Okay. If you look at the first 8 paragraph at the bottom of page 1, do you see 9 here the report indicates, Two days before the 10 2018 election for Georgia governor, Republican 11 Brian Kemp used his power as Secretary of State 12 to open an investigation into what he called, 13 quote, a failed hacking attempt, closed quote, of 14 voter registration systems involving the 15 Democratic party. 16 Do you see that? 17 Α. Yep. 18 And then if you come down to the second Q. 19 page, you look at the fourth paragraph. Do you 20 see the sentence quoting a memo about the GBI 21 finding that I just read to you? 22 Α. Now, which paragraph now? 23 The fourth paragraph on page 2. Q. 24 Α. Starts with the investigation by GBI? 25 Yes. Q.

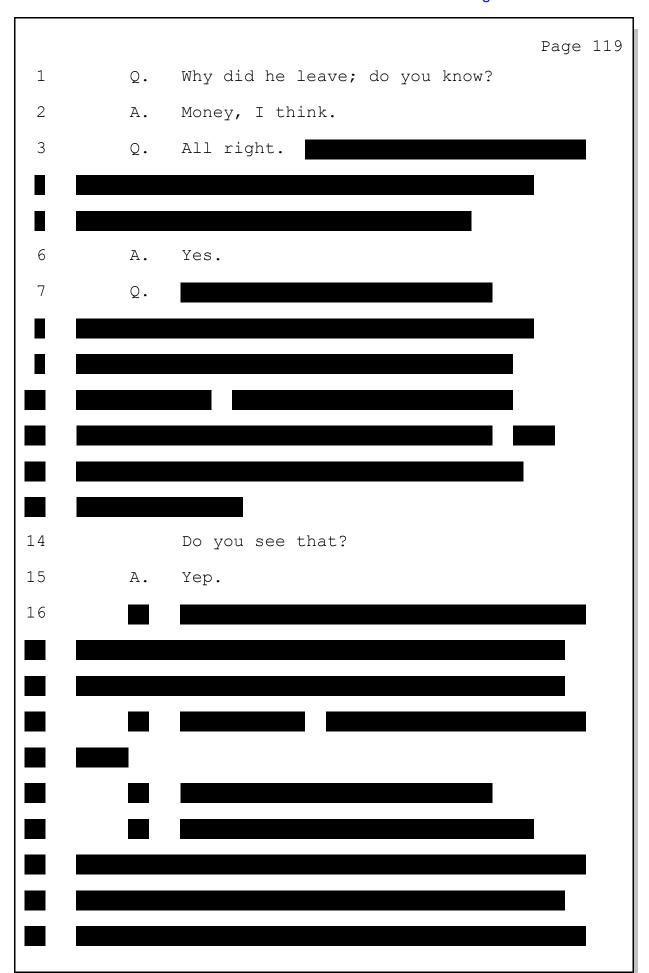
Page 114 Reveals no evidence of damage. 1 Α. Yes, I 2 see that. 3 Ο. Great. 4 If you come to the next paragraph, do 5 you see that begins with the Internet activity? 6 Do you see that paragraph? 7 Α. Yep, yep. 8 And there it reads, The Internet 9 activity that Kemp's staff described as hacking 10 attempts were actually scans by the U.S. 11 Department of Homeland Security. But the 12 Secretary of State's office had agreed to, according to the GBI. Kemp's chief information 13 14 officer signed off on the DHS scans three months 15 beforehand. 16 Do you see that? 17 Α. I see that. 18 Does that refresh your recollection 19 that part of what lead Secretary Kemp's office to 20 accuse the Democratic party of Georgia of hacking 21 just before the election in 2018 were actually 22 lawful authorized scans by the Department of 23 Homeland Security? 24 MR. DENTON: Objection. 25 I can't say what group Kemp -- all I Α.

- 1 can say is the things -- I don't recall this. I
- 2 do recall in 2016 DHS doing scans on --
- 3 unauthorized scans of our system. That was
- 4 brought to the attention of DHS. And it was
- 5 initially -- they said they didn't do it and then
- 6 later came back and tried to explain that it was
- 7 -- oh, it's actually somebody in a remote office
- 8 doing something that they had no control over.
- 9 So I don't know this specific event. I would
- 10 have assumed that this was -- could have been a
- 11 misinterpretation of something that happened two
- 12 years prior. But I don't have any recollection
- 13 of this statement.
- Q. So you don't recall a report from
- 15 Fortalice finding that in 2018, just a few days
- 16 before the election involving the OLVR, the DHS
- was actually running scans that you personally
- 18 had authorized at that time and that those were
- 19 misconstrued as hack attempts by the Secretary's
- 20 office?
- MR. DENTON: Objection.
- 22 A. I don't recall that.
- 23 (Exhibit 6: E-mail string with the top
- from Kevin Robertson dated 7/1/2020 marked
- 25 for identification, as of this date.)

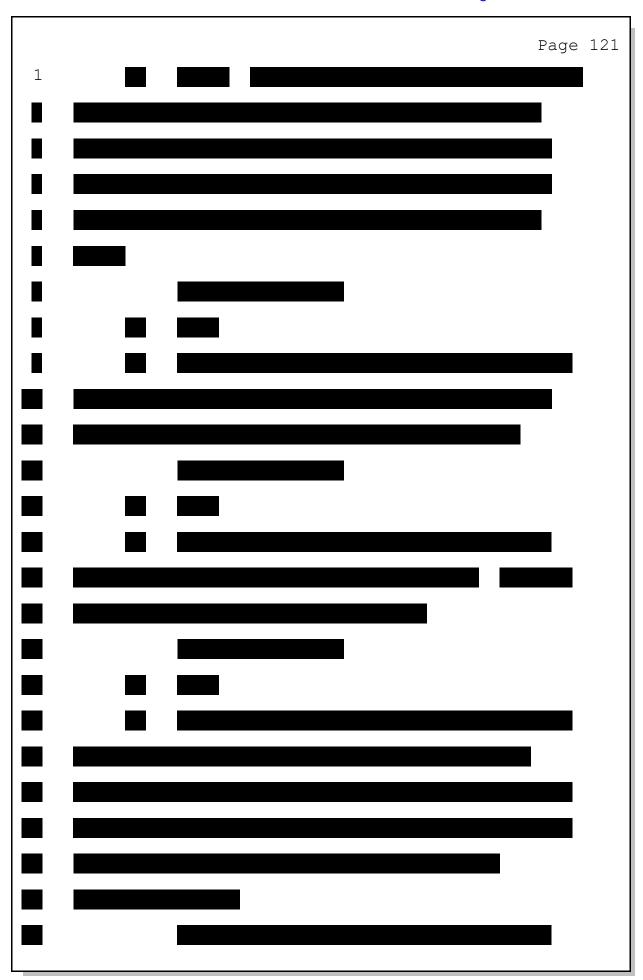
```
Page 116
         Q. Okay. All right. Let me pull up the
 1
    next exhibit.
 2
              All right. Grab Exhibit 6, if you
 3
    would, please.
 4
 5
         Α.
 6
         Q. That's right. Yes. Let me make sure.
7
    Yes.
              So do you see that this is
 8
    that you -- sorry, strike that.
9
10
              This is an
13
         A. Okay.
14
         Q. And then if you come down to the
15
18
              Do you see that?
19
         A. Yes,
20
              Right.
         Q.
22
         Α.
              Yes.
23
         Q. And are you familiar with
25
         A. He -- not directly. I know the name
```

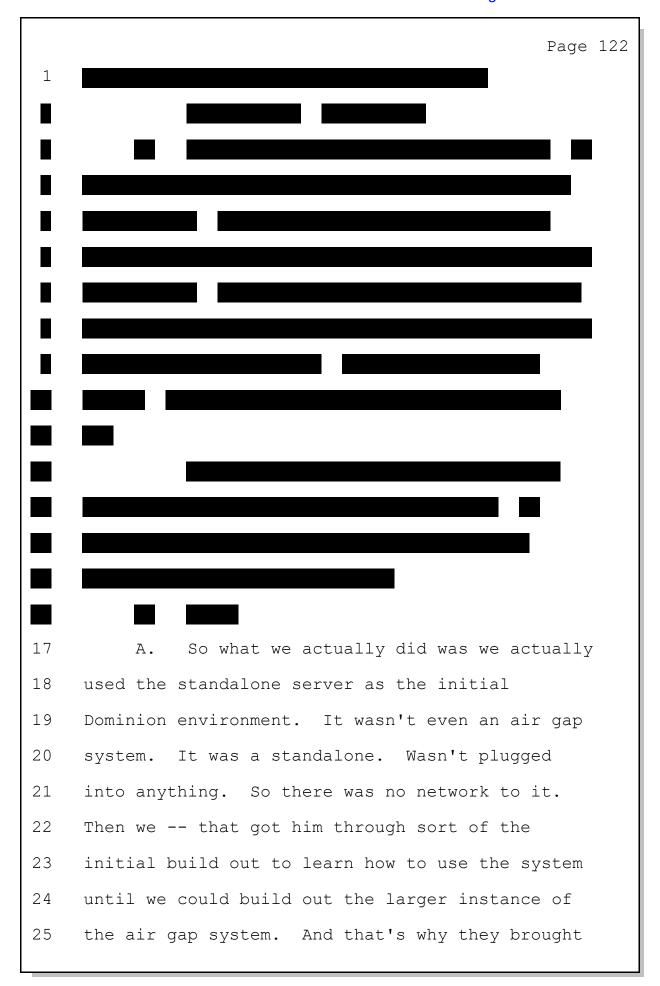
- 1 back then. Really didn't deal a lot with the
- 2 Dominion people day in, day out. So there was
- 3 some guy named , so yes.
- 4 Q. And I was going to ask a question, does
- 5 your team or department have responsibility for
- 6 dealing with Dominion regarding election security
- 7 issues?
- 8 MR. DENTON: Objection.
- 9 A. Very limitedly. Depends on -- the
- 10 concept with the scope of what you're asking for
- is broad so you'd have to need to narrow it down
- 12 as to just what. Our -- our involvement is
- 13 creating an environment that is secured for them
- 14 to put their application in. And then we install
- 15 their application. Now, the development of that
- 16 application at their site is their
- 17 responsibility.
- 18 Q. And if an election security -- strike
- 19 that.
- 20 If a vulnerability concern is raised
- 21 with any of the Dominion equipment or software,
- is that something your team handles or is that
- 23 something someone else handles for the Secretary
- of State in terms of dealing with Dominion to
- 25 address that?

Page 118 1 MR. DENTON: Objection. 2 I can't tell you specifically because Α. sometimes we get pulled in, sometimes we don't. 3 4 0. And do you know how the determination 5 is made as to whether you're pulled in on 6 something like that? 7 Α. We do not have a protocol. 8 Who makes that decision, whether to Q. 9 include your team? 10 It could be somebody from Dominion, it Α. 11 could be Michael Barnes, it could be Gabe 12 Sterling. 13 All right. If you look at this e-mail Ο. 14 -- and sorry, I should on 15 ask, did Kevin Robertson, did he report to you? 16 Was he in your group? Yes. He reports to me. 17 Α. 18 Q. Is he still there? 19 Did. No. Α. 20 When did he leave? Q. 21 Earlier this last -- or late last year. Α. 22 Do you know where he went? Q. 23 A company called transform. Α. 24 Q. Still in Atlanta? 25 Yes. Α.



	Page 120
1	
3	Q. Yeah, and if you need to read through
4	it, go ahead. I don't want I don't want you
5	to speculate on anything. So why don't you take
6	a moment and let me know when you're when
7	you're finished reading it.
8	A. Okay.
9	Q. Okay. So if you stay at the bottom,
10	the first e-mail in the thread we just looked at,
11	and then you scroll up. Do you see that there's
12	a response from Mr. Feehan two days later on
13	February 16, 2020 to Mr. Robertson?
14	A. Yep.
15	
18	Do you see that?
19	A. Yes.
20	
21	A. No.
22	
25	A. Yep. No.



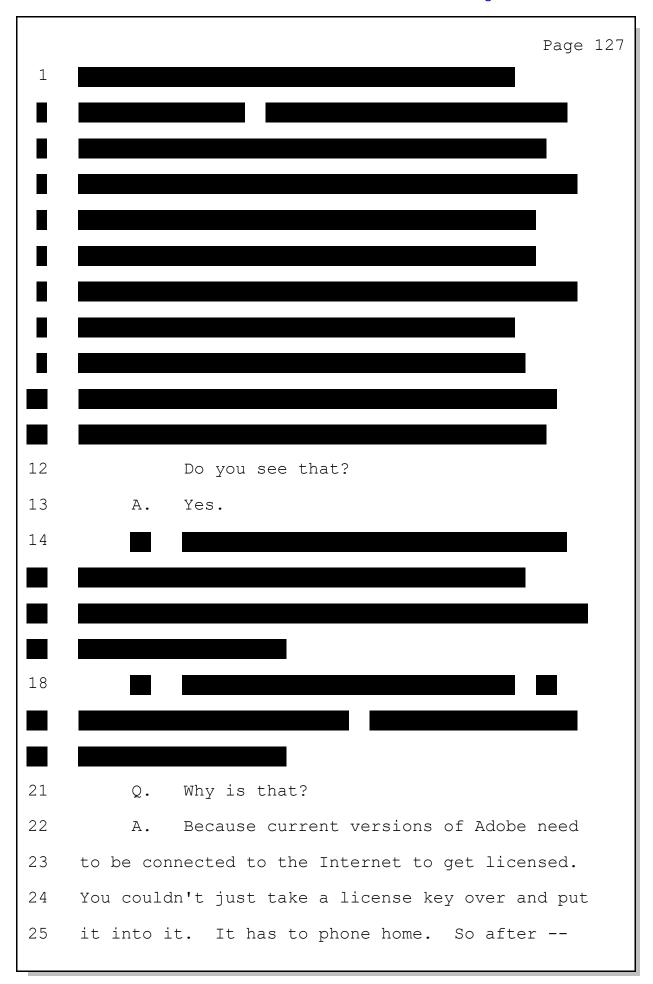


Page 123 this back up as we've got to finish building this 1 2 air gap system so we can get off the standalone 3 server that's not connected to anything and actually plug into an air gap environment so all 5 the people that worked for Michael Barnes to get on the system at the same time. 9 Q. Okay. All right. So I think I 10 understand what you're saying. So let me just 11 make sure I have this right. 22 Α. Correct. 23 MR. DENTON: Objection. 24 Q. Okay. And help me understand the --25 the IT here a bit. So before -- whatever happens

- 1 after June of 2020 to set up the air gap election
- 2 center network, I think you said the Dominion EMS
- 3 was running on did you say a standalone server?
- 4 A. Yes.
- 5 Q. Okay. And do you know when that server
- 6 got set up? Was that sometime in late 2017 when
- 7 the pilot elections rolled out on the BMDs?
- 8 A. I think so. Dominion actually supplied
- 9 the hardware with the software on it. So it was
- 10 very early on in the process. Essentially when
- 11 Michael Barnes had to start learning how to use
- 12 the system to start building ballots. And it was
- 13 before we could get a air gap environment built
- 14 and he needed to move forward.
- 15 Q. Why couldn't you build the air gap
- 16 environment before the summer of 2020 for the
- 17 Dominion system?
- 18 A. We didn't have the hardware needed to
- 19 do it yet because we were buying all new
- 20 hardware. We didn't have the network environment
- 21 run in the building. Remember I said we put all
- 22 new stuff in. We wanted it to be dedicated. So
- 23 that takes time. And then there was also what --
- 24 at one point in time we couldn't just do it. He
- 25 was in the middle of other election building

- 1 activities. So he couldn't stop. So we had to
- 2 look for a window. And typically summer is
- 3 between the spring elections and the fall
- 4 elections. So summer is when -- is one of our
- 5 gaps. So June is -- makes -- to me makes perfect
- 6 sense when they jumped back in as we're back into
- 7 our gap or our open window for doing IT work for
- 8 the election center.
- 9 Q. So the state was relying on the -- the
- 10 standalone EMS server that Dominion itself
- 11 provided until the air gap network was set up in
- 12 sometime after June 16 of 2020.
- Do I have that right?
- 14 A. Yes.
- 15 Q. Okay. And do you know how long after
- June 16 of 2020 the air gap network was set up
- 17 for the Dominion election system?
- 18
- I think by August it's got to be done.
- Q. Okay. If you wanted to know when that
- 23 was up and running, who would you ask?
- 24 A. I think I'd have to have someone
- 25 actually probably go look on a server and see

Page 126 1 what the dates were that the files were created 2 on that server and that would give us an idea. 3 Unfortunately, like David Hamilton's not here anymore, some of the people that were working on 5 that project are not here anymore. So we'd have to sort of reverse engineer it, kind of look at 7 it and see if we could figure out when it 8 actually came live. But it's in that window. 9 Given that these e-mails were sent to 10 Michael Barnes and 6 Gabriel Stirling, would you 11 expect them to have better insight on when this 12 system was up and running? 13 I'm quessing this was more for their --Α. 14 just their knowledge that we're progressing on 15 this project. 16 Okay. If you come down to the second 17 to -- well, come down to the second e-mail. 18 the second to most recent e-mail on the first 19 page from Michael Barnes on July 1, 2020. 20 Do you see that? 21 Α. Yes. 22



- 1 we went through a number of trials and after
- 2 30 days or something the license -- the temporary
- 3 one would run out and they said hey, Adobe
- 4 stopped working because it can't phone out.
- 5 So that one I know got in there. I
- 6 know they use Excel and Word. So that must have
- 7 gotten on there. Browsers come with Windows, so
- 8 that's not a big deal.
- 9 Q. Do you know how the -- what the
- 10 solution was for the licensing issue you
- 11 identified?
- 12 A. Yes. We had to go to a very old
- 13 version. So we had to go back in time
- 14 essentially, and look at our oldest license copy
- 15 of Adobe that was functional without an online
- 16 verification. I think it was actually a 2015
- 17 version that we had to go back to.
- 18 Q. And do you know if you needed to do the
- 19 same -- oh, sorry. Go ahead.
- 20 A. It didn't phone home.
- Q. Okay. And do you know if you needed to
- do the same for any of the other applications
- 23 like Word or Excel?
- A. No. Because we have license keys that
- 25 we can put in.

Page 129 Okay. Got it. 1 Q. 2 Have you personally inspected the air 3 gapping of this network to confirm that it is, in fact, air gapped as you understand that term? 5 I have not. I have been over to see it, but I haven't done, like, electrical 6 7 inspection of it. So I -- I know which room it's 8 I can point to the rack and say that's it. 9 Okay. Let me pull up the next exhibit. Q. 10 Next exhibit. All right. Α. 11 Q. Just give me a minute. 12 Α. Tell me when to refresh. 13 (Exhibit 7: E-mail string with the top 14 from Kay Stimson dated 12/2/2020 marked for 15 identification, as of this date.) 16 All right. Go ahead. You should have Exhibit 7. 17 18 A. Okay. Got it open. From Kay Stimson? 19 Yes. Q. 20 Α. Okay. 21 Do you see Exhibit 7 is an e-mail that 0. 22 Kay Stimson sent to you and others at the 23 Secretary of State's office on December 2nd, 24 2020.

Do you see that?

25

- 1 A. Yes.
- 2 Q. And are you familiar with Ms. Simpson?
- 3 Have you dealt with her?
- 4 A. No, I don't know who she is.
- 5 Q. If you come down to the bottom of
- 6 Exhibit 7, do you see there's an e-mail from
- 7 Walter Jones in the Secretary's office?
- 8 A. Yes.
- 9 Q. And he e-mails you, Ms. Stimson, Ms.
- 10 Fuche, Ari Schaffer, Gabriel Sterling. It
- 11 indicates that a reporter with Georgia Star News
- 12 asked what the protections against the
- introduction of malware were in place when the
- 14 Dominion tech on the Gwinnett video used a flash
- 15 drive on a laptop connected to E-Net.
- Do you see that?
- 17 A. Yes.
- 18 Q. Do you recall this situation?
- 19 A. Vaguely. Not really well. There was
- 20 numerous events that happened with Dominion
- 21 techs.
- 22 O. And tell me about that.
- A. For some reason my phone hung up. Is
- 24 there a timer?
- Q. We don't have a timer on it. Do you

- 1 want to just dial back in? You should be able to
- 2 dial in the same way.
- 3 A. Switch to phone audio.
- 4 Okay. Can you hear me?
- 5 Q. Yes. Thank you, Mr. Beaver.
- 6 A. Okay. Sorry about that. I'm not sure
- 7 what happened.
- 8 Q. No problem.
- 9 A. All right. Let's go back to your
- 10 question.
- 11 Q. Yes. You said there were a number of
- 12 issues that came up with the Dominion techs. And
- 13 tell me about that. What do you mean?
- 14 A. We had death threats against Dominion
- 15 techs by people in the public. We had people
- 16 that were filming them doing just their daily job
- 17 trying to create stories around them, trying to
- 18 hack systems when they were just doing their
- 19 regular job. So this sounds like it was a
- 20 specific incident. So I don't know specifically
- 21 which one of the incidents it was. But it's --
- 22 anyway, so somebody filmed a tech doing
- 23 something. So now I'm not sure how they knew
- 24 this person had a laptop connected to E-Net. No
- 25 details of that.

- 1 Q. Do you know whether there was any
- 2 investigation by the Secretary's office into the
- 3 situation report here?
- 4 A. I don't know.
- 5 Q. Who would you ask if you wanted to find
- 6 out?
- 7 A. Who would I ask? I'd probably have to
- 8 go back to Walter Jones. May have to call Dave
- 9 Hamilton to see if he recalls anything on this.
- 10 There was a lot of press churn going on during
- 11 2020.
- 12 Q. If you take a look at Ms. Stimson's
- 13 e-mail, do you see if you come down five lines --
- 14 no, I'm sorry, six lines, there's a sentence in
- 15 the middle that begins, Even if a malicious
- 16 insider. Do you see that?
- 17 A. Even if --
- 18 Q. And she writes there, Even if a
- 19 malicious insider tried to add malware using a
- 20 dirty USB, the voting system is certified through
- 21 a federal standard which requires software
- independence, meaning it must be auditable and
- 23 its tabulation record cannot be based solely on
- 24 its software.
- Do you see that?

- 1 A. Yes.
- 2 Q. Do you have an understanding as to
- 3 whether the Dominion BMD system is software
- 4 independent?
- 5 A. I'm not sure I understand your
- 6 question. It's software independent.
- 7 Q. Sorry. The question is just that do
- 8 you have -- do you have any understanding as to
- 9 whether the Dominion BMD system used in Georgia,
- 10 whether it's considered software independent?
- 11 MR. DENTON: Objection.
- 12 A. I've never heard that term.
- 13 Q. Okay. Where she goes on to say that
- 14 the system must be auditable and its tabulation
- 15 record cannot be based solely on its software, do
- 16 you have an understanding of whether the
- 17 tabulation record in Georgia with the DM -- the
- 18 BMD system is based on the software?
- 19 MR. DENTON: Objection.
- 20 A. I can tell you there's no voting on a
- 21 BMD system. All you're doing is marking a
- 22 ballot. So if somebody says you are maliciously
- 23 changing votes, there are no votes counted on a
- 24 BMD. So I am -- you know, I can only speculate
- 25 here. But the whole conversation is sideways.

- 1 Because we don't count ballots on BMDs. It's
- 2 counted over on the scanner, which runs different
- 3 software completely than what's on the BMD.
- 4 Q. All right. The software on the scanner
- 5 tabulates a QR code on the ballot in the current
- 6 system, right?
- 7 A. I believe that's correct.
- 8 Q. And are you aware of any research or
- 9 testing of the Dominion BMD system by any
- 10 election security experts who found that the QR
- 11 code can be changed so that it doesn't actually
- 12 match what the voter intended when they voted on
- 13 the BMD?
- 14 A. No, I'm not.
- 15 Q. Is that -- assuming that were a
- 16 vulnerability with this system, that that could
- 17 -- that that were doable, is that -- or that was
- 18 a finding that was reached, is that something you
- 19 would expect to know?
- 20 A. I don't know. No, apparently not. If
- 21 it was a finding and I don't know.
- Q. Okay. Would you expect measures to be
- 23 taken to mitigate any vulnerability like that?
- MR. DENTON: Objection.
- 25 A. I'd -- I'd have to know more about it.

Case 1:17-cv-02989-AT Document 1368-2 Filed 04/13/22 Page 135 of 259 Page 135 I mean, you're describing something that, you 1 2 know, could take all kinds of shapes. I -there's -- there would be more investigation to 3 understand it. I mean, it's kind of like that 5 conversation we had earlier where initially it 6 looks really bad only to find out there's no 7 evidence. So this could be the same thing. 8 Initially it looks bad, but could come out as there's no evidence. 9 10 (Exhibit 8: ImageCast X ballot marking 11 device document marked for identification, 12 as of this date.) Q. All right. Let me grab the next 13 14 exhibit here. Give me one second. 15 All right. Grab Exhibit 8, if you 16 would, please. 17 Α. Refreshing. 18 Okay. Some document from ImageCast X 19 ballot marking device. 20 Yes. Ο. 21 A. The name of the --

- 22 Yeah. Q.
- 23 And let me ask you, have you seen --
- 24 what exhibit are we up to? Have you seen
- 25 Exhibit 8 before?

Page 136 What page is that on? Figure 1. 1 Α. 2 And take a moment to flip through Q. Exhibit 8 if you need to. I just want to --3 right now I just wanted to know if you've seen 5 this, if you've read this before? 6 Oh, this document called Exhibit A. Α. 7 Oh, I was looking in the document. No, I've not 8 seen this document. Okay. Yeah, it's Exhibit -- it's 9 0. Exhibit Number 8. But I see it's also Exhibit A 10 11 on the -- sorry, I think we were missing each 12 other. 13 Α. Yep. You've got Exhibit Number 8 in front of 14 Q. 15 you? Okay. Yes, I do. 16 Α. 17 Q. Okay. And so you've --18 MR. DENTON: David, this is an 19 attorney's eyes only document, right? 20 MR. CROSS: Yeah. But I just checked, 21 everybody -- there's no one on the Zoom 22 that doesn't have access to this. 23 MR. DENTON: I don't know a lot of 24 these people. 25 MR. CROSS: So Susan Greenhalgh has

```
Page 137
           access. Reema's with us, Zachary's with
1
2
           us, Carey obviously has access, Javier's
3
           with you, court reporter. Who is Logan
           Wren?
5
               MR. DENTON: No idea. I quess Marilyn
 6
           was on --
7
               MS. REEMA: He's with us, David.
8
           David, he's with us.
               MR. CROSS: Oh, he's one of our
9
10
           associates. I'm sorry.
11
               MS. REEMA: Yes, he's one of the
12
           associates.
13
               MR. CROSS: Sorry, we added some
14
           associates to the team and Logan is one of
15
           our new associates. Everybody -- everybody
16
           on here has access top the -- to the
17
           report.
18
          Q.
              All right. So Mr. Beaver, this is not
19
     something that anyone has asked you to review and
20
     comment on before?
               No. At least, I've never seen it
21
          Α.
22
    before.
23
          Q. Okay. Are you familiar with
```

A. I saw him in federal court once doing a

- 1 little magic trick.
- 2 Q. By magic trick, you mean the
- 3 demonstration he did when he hacked the Georgia
- 4 election equipment to alter the tabulation?
- 5 A. I saw him with a piece of election
- 6 equipment that he had stripped all electronics,
- 7 all security, everything that made it a piece of
- 8 election equipment and reduced it to a computer
- 9 and then loaded a program that emulated a voting
- 10 program. But the voting program that he built
- 11 would tabulate in the wrong columns and then said
- 12 ta-da, see, this is how malware works. Only
- 13 later to have his software looked at and say this
- 14 would actually break a Georgia election piece of
- 15 equipment. So introducing something like this
- 16 would actually defeat the whole purpose of what
- 17 it's trying to do. So yes, I saw his -- his --
- 18 his act.
- 19 Q. And you're talking about the
- 20 demonstration he did in 2018 with the DRE
- 21 equipment?
- 22 A. When -- in Totenberg's court.
- Q. Right.
- Where he did it live in the courtroom,
- 25 right?

Page 139 1 Α. Yes, yes. Okay. Are you aware that in the 2 Q. September of 2020 he received current BMD voting 3 equipment from Fulton County supplied by Fulton 4 County to do an analysis of that equipment to 5 test the cybersecurity of that equipment; were 6 you aware of that? 7 8 Α. No. 9 17 Objection. MR. DENTON: 18 25 Q. Right.

Page 140 1 5 Α. Correct. 6 Q. Okay. And I understand that the DRE 7 equipment he had in 2018 was something that he did not get from Georgia, he got that through a 8 third-party source. 14 MR. DENTON: Objection. 15 Α. I'm not aware of anything to do with 16 his activity. 17 Q. Okay. The -- it happening or any of the 18 Α. 19 outcomes. And so do I understand --20 Q. 21 I can't comment on anything -- I can't Α. 22 comment on anything on here. 23 And here you mean in Exhibit 8, Dr. Q. 24 Halderman's report? 25 A. Correct.

```
Page 141
              Okay. All right. Thank you.
1
          Q.
2
               All right. You can put that aside.
3
               Sorry. I accidentally closed Exhibit
 4
     Share.
5
               (Exhibit 9: Document entitled
 6
                   marked for identification, as of
           this date.)
               All right. Let me put up the next
9
     exhibit. This will be Exhibit 9, Mr. Beaver.
10
11
               MR. DENTON: David, while that's
12
           loading, if you're through with Exhibit 8,
13
           I don't know whether you are, but I know
14
           there have been people on this deposition
15
          who should not have access at this time.
16
          And that I know, for example, Ms. Marks was
17
           in here earlier and indicated that she had
18
           access to Exhibit Share. So it might make
19
           sense to pull Exhibit 8 back out of the
20
           share folder for now.
21
               MR. CROSS: I don't have a problem with
22
                  But I don't think I have the ability
           that.
23
           to do that. Looks like maybe I could block
24
           it. See what this does.
25
               THE VIDEOGRAPHER: This is the
```

```
Page 142
           videographer. I'm not sure about the
1
2
           ability to lock or unlock. But I know once
3
           a exhibit is introduced into Exhibit Share,
 4
           the only people that could remove it is
 5
           Veritext. So I can e-mail them and ask
 6
           them to remove it if I need to.
7
              Mr. Beaver, see if -- and you can try
     to, see if you can open Exhibit 8 now.
8
                                            I just
9
     locked it. I don't know if that means you guys
10
     can no longer open it.
11
          Α.
              I just opened it again.
12
          Q.
              Oh, you did?
13
          Α.
               Yes.
14
               MR. CROSS: Alex, can you open
15
          Exhibit 8?
16
               MR. DENTON: I can as well.
17
               MR. CROSS: Oh. All right. It doesn't
18
           let me pull it out. But...
19
              Can we lock out people from joining?
20
               MR. CROSS: I don't think Ms. Marks is
21
           coming back. But if she comes on, we can
22
           -- we can deal with that.
23
               MR. DENTON: Yeah, my -- I don't have a
24
           full understanding how of how Exhibit Share
           works. I think you can probably
25
```

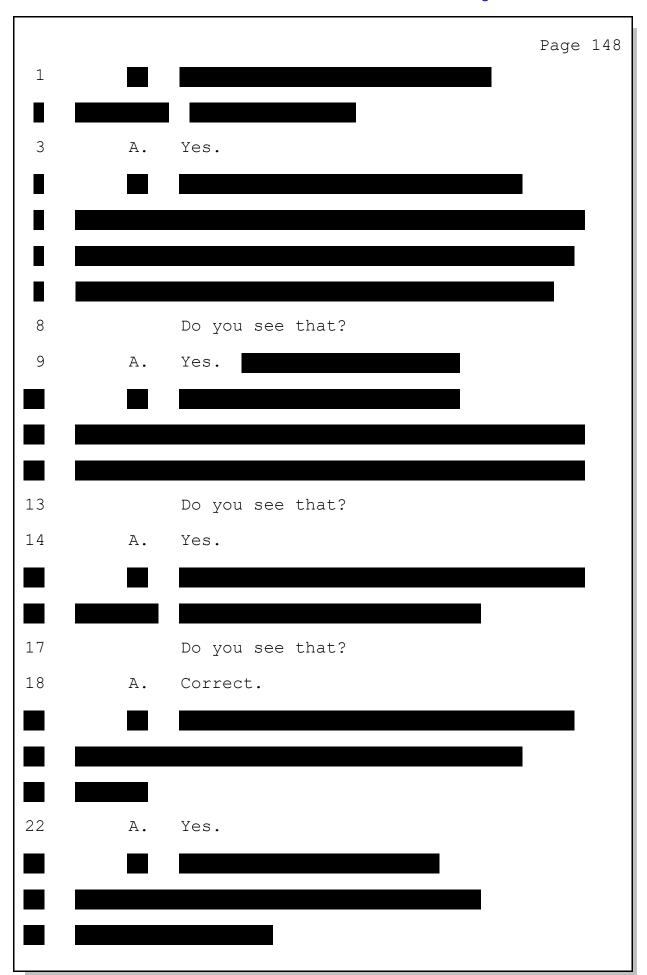
```
Page 143
           independently access it at any point
1
2
           whether you -- regardless of whether you're
           in Zoom. So to the extent --
3
               THE VIDEOGRAPHER: That is correct.
 4
5
               MR. DENTON: To the extent that that's
6
           something that needs to be -- have limited
7
           disclosure right now, it sounds like from
8
           Mr. Miller that we may -- Jonathan Miller
9
           that we may need to ask Veritext to pull
10
           that back.
11
               MR. CROSS: Okay. All right.
12
               THE VIDEOGRAPHER: Would you all like
           me to ask them to do so, counsel?
13
14
               MR. CROSS: Yeah, why don't you, if you
15
           don't mind, ask them to pull Exhibit 8 out.
16
               THE VIDEOGRAPHER. Exhibit 8. Got it.
           I'll take care of it. Thank you, sir.
17
18
               MR. CROSS: All right. Thank you.
19
    BY MR. CROSS:
20
              All right. Mr. Beaver, do you have
          Q.
    Exhibit 9 in front of you?
21
22
              Yes, I do.
          Α.
23
          Q. All right. Have you seen Exhibit 9
24
    before?
25
          A. Is there a date on it? Oh, let's see.
```

```
Page 144
1
     So this is --
2
          Q.
                                                  Ιf
     you look at the bottom right corner, you'll see
5
     there's this -- it says Fortalice and then
     there's a little number there ending in 171.
7
               Do you see that?
8
               Mine ends in 172. So that's the second
9
    page is 172.
               Yeah. So that -- that little legend
10
          Q.
11
     there brand at the bottom right corner indicates
12
     that this was a document that was produced to us
    by Fortalice.
13
               You don't have a date on this, do you?
17
               I don't?
18
          Q.
19
               When it was produced? I don't recall
20
     it. But, I mean, we have conversations back and
21
     forth regularly, you know, in every -- |
24
```

```
Page 145
          Q.
            Okay.
 5
              But I don't recall it specifically.
              Okay. All right. I'll give you the
 6
          Q.
    next exhibit.
7
               MR. DENTON: And David, I guess a
 8
9
           similar comment as to Exhibit 9, this looks
10
           like a forward produced document under the
11
          confidential AEO designation. So it
12
          probably requires the same treatment as
13
           Exhibit 8.
14
               MR. CROSS: So let's do this, what
15
          we've done in the past is -- I don't want
           to start pulling exhibits out. It's going
16
17
           to get really confusing. Jonathan, can you
18
           just -- are you still there?
19
               THE VIDEOGRAPHER: Yes, sir.
20
               MR. CROSS: Can you just ask Veritext
21
           to remove Marilyn Marks' access to this
22
           exhibit folder if she has it. That's what
23
           we've done in the past. So she will not --
24
               THE VIDEOGRAPHER: I will ask if they
25
           can do that. They may or may not be able
```

```
Page 146
          to do that. I'm not hundred percent sure.
1
2
          But I will ask.
              MR. CROSS: Okay. I know they've done
3
          it in the past when we've had a situation
5
6
              THE VIDEOGRAPHER: And she specifically
7
          needs to not have access to Exhibit 8 only?
8
              MR. CROSS: No, just pull that access
9
          to Merritt Beaver entirely. Because there
10
          are going to be a number of confidential or
11
          AEO documents.
12
              THE VIDEOGRAPHER: Pull her access to
          the folder for today entirely, correct?
13
14
              MR. CROSS: That's correct.
15
              THE VIDEOGRAPHER: Okay. That's easy
16
          to do. I can -- I can take care of that.
17
              MR. CROSS: All right. Thank you.
18
              (Exhibit 10: Document entitled
19
                               marked for
22
          identification, as of this date.)
23
    BY MR. CROSS:
24
         Q. Okay. All right. Grab Exhibit 10,
25
    please, Mr. Beaver.
```

```
Page 147
               Okay.
 1
          Α.
 2
               Have you seen this before?
          Q.
 3
          Α.
              No.
              So this is entitled
 4
          Q.
                           And just take a moment if
     you want to flip through it real quick. But this
 9
     is not something you recall seeing before from
    Fortalice?
10
11
          Α.
              As I said, we didn't share reports for
12
     the last two years.
13
               Okay. So do you know
          Q.
18
               I don't know. It could be -- I mean I
          Α.
19
     could speculate, but it would be speculation.
20
               That's fine. No, no, no, I'm not
          Q.
21
     asking you to guess. That's okay.
22
          Α.
               Yeah.
23
               All right. Well, if you come down to
          Q.
24
     the substance of the report.
25
          A. Okay.
```



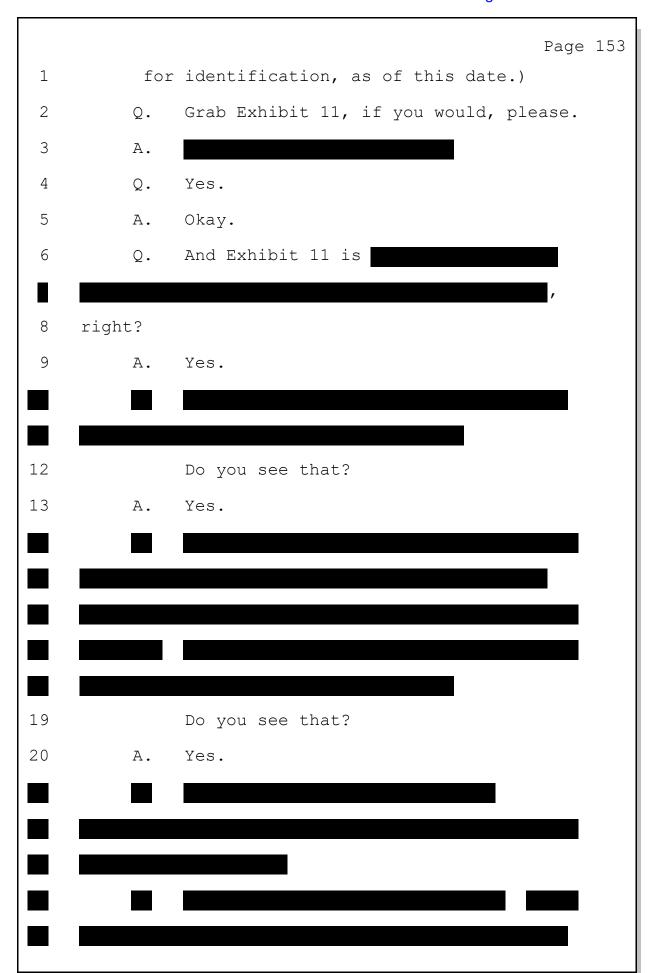
Page 149 1 Α. No. 2 MR. DENTON: Objection. 3 They have not been. Α. Q. Have not been. 5 Okay. Do you know why? 6 It would break the software. Α. 7 What does that mean? Q. The software would have -- would cease Α. to work. 12 Their job is to go find Α. 13 vulnerabilities. Not to determine whether or not 14 it impacts the business. The business then has 15 to look at what is the risk? What's the 16 exposure? Are there alternative ways to 17 remediate? So we have a couple of applications. 18 And over the years we've had a number of issues 19 like this that we have had to remediate that we 20 could not fix the code. 21 So there's other ways to solve this 22 The common solution for this and the problem. 23 one that we have implemented is using something 24 called Cloudflare. Cloudflare is a site that you 25 direct all web traffic through prior to it

Page 150

- 1 hitting your application. It is purposely for
- 2 solving these kinds of problems where it will
- 3 look at the traffic coming in and basically block
- 4 anything that has cross-side scripting in it, has
- 5 sequel injection in it, has black sites that are
- 6 coming from, things like that.
- 7 Because the market knows there's a lot
- 8 of applications out there that has
- 9 vulnerabilities like cross-side scripting that
- 10 the -- that the companies just can't fix because
- 11 they're either too old or they don't have the
- 12 resources to fix them or they don't -- there's a
- 13 number of reasons why you can't always fix
- 14 problems.
- So in security, you know, the first
- 16 thing you want to do is go fix the exact problem.
- 17 If you can't fix the problem, then you come up
- 18 with an alternative. One of the other -- I mean,
- 19 another alternative we had was a system that had
- 20 cross-side scripting was we put it in its own
- 21 domain so that knowing that the site -- that the
- 22 application could be hacked. If it was hacked,
- 23 the hacker would go no further than that
- 24 application. Couldn't get into anything else.
- 25 So you basically put it in a corral by itself.

```
Page 151
               So there's numerous ways to solve
 1
    cross-side scripting. The best way is to go fix
 2
    the application. But it's a lot of times not an
 3
    actual something you can do.
               We remediated the risk. We did not
          Α.
    remediate the problem.
 9
10
               I see. Okay. I understand.
         Q.
14
         Α.
               Yes.
17
               Yes.
21
               MR. DENTON: Objection.
22
         Α.
               I'm not familiar with this one. So I
23
    don't know.
24
         Q. Okay. If you wanted to know, who would
25
    you ask?
```

```
Page 152
               I'd call Bill Warwick. Even though
1
          Α.
2
     he's gone, I'd probably have to still ask him.
               So there's --
3
          Ο.
               He can probably point me to somebody
5
    who knew.
 6
          Q.
               Okay.
                                                I know
12
     that for a fact because there were meetings
13
     talking about how do we fix some of the PCC
14
     applications that had vulnerabilities?
15
     Cloudflare was a huge fix for us for a number of
     the issues.
16
17
          Q.
               And when did you guys add Cloudflare?
               It was either '19 or '20.
18
          Α.
19
               And are you still using them today?
          Q.
20
              Absolutely.
          Α.
21
               All right. Grab --
          Q.
22
               We put it -- we put it in front of all
          Α.
23
     of our applications now, not just elections.
               (Exhibit 11:
24
                                               marked
```



```
Page 154
 7
          Α.
               I don't recall specifically what it
 8
    was.
              All right. You can put that aside.
          Q.
            , who would you ask?
13
               Well, I might go back to Dave and ask
          Α.
14
     him. I might go to Fortalice and see if we could
15
     dig up some of the communications that was going
     on at that time. I think you showed a document,
16
17
    although I'd like to see what that date was on
18
    that one, to see whether or not -- it may have
19
    been exactly what that -- around that same time.
20
     So...
23
              Yeah.
          Α.
24
          Q.
              Yeah, that was --
```

Page 155 1 Α. Okay. So it could very well have been all around that -- I mean, you're -- you're within a 3 week or so of that document being finalized. 5 Okay. But you just don't recall for 6 sure? 10 Okay. Couple follow-up questions on --Q. 11 that I forgot to ask. On Dr. Halderman's report, 12 which was Exhibit 8, are you aware that that 13 report has been sealed, meaning it's been kept 14 confidential since it was issued on July 1? 15 Α. As I said, I have never heard of that document, never seen that document. So I 16 17 wouldn't know anything about how it's being 18 managed. 19 Okay. All right. So no one has talked 20 to you about whether that document should be made 21 public, for example; is that right? 22 I have never seen that document. Α. 23 don't know anything about that document. I 24 wouldn't know anything about that document.

Q. Okay. All right. Thank you. I just

25

Page 156 wanted to be sure. Thank you, Mr. Beaver. 1 2 All right. Pull up Exhibit 11, if you 3 would, please. Oh, 11? Α. 5 Ο. Yes, sir. 6 This is the same one we just looked at. Α. Oh, yeah, you're right. Sorry. I 7 Q. 8 didn't show you this exhibit yet. Let me do it 9 This used to be so much easier when we again. 10 were in person. Hang on. 11 MR. DENTON: Sorry everyone, we had a 12 power outage here, I think, and knocked me 13 off the system. 14 MR. CROSS: Who was that? Was that 15 Alex? 16 MR. DENTON: Yeah, sorry, I got kicked 17 out and I think I'm back in now. We had a 18 power flicker here that kicked me out. 19 MR. CROSS: Oh, sorry. All right. You 20 good now? 21 MR. DENTON: I am in, yeah. 22 MR. CROSS: Okay. 23 (Exhibit 12: E-mail string with the top 24 from marked 25 for identification, as of this date.)

```
Page 157
              All right. Grab Exhibit 12, if you
 1
          Q.
    would, please.
 2
 3
          Α.
              Yes.
 4
          Q.
 5
               So it's an e-mail from
               Do you see that?
 9
          Α.
              Yes.
               All right. Come down to the bottom,
10
          Q.
    the earliest e-mail, sorry, in this thread --
11
12
          Α.
               Oh, yes.
13
               -- on the last page.
          Q.
14
               Do you see this e-mail
          A. Yeah. I think I remember this one.
16
17
          Q.
              And so you'll see here
24
          A. Yep.
25
               Do you see that?
          Q.
```

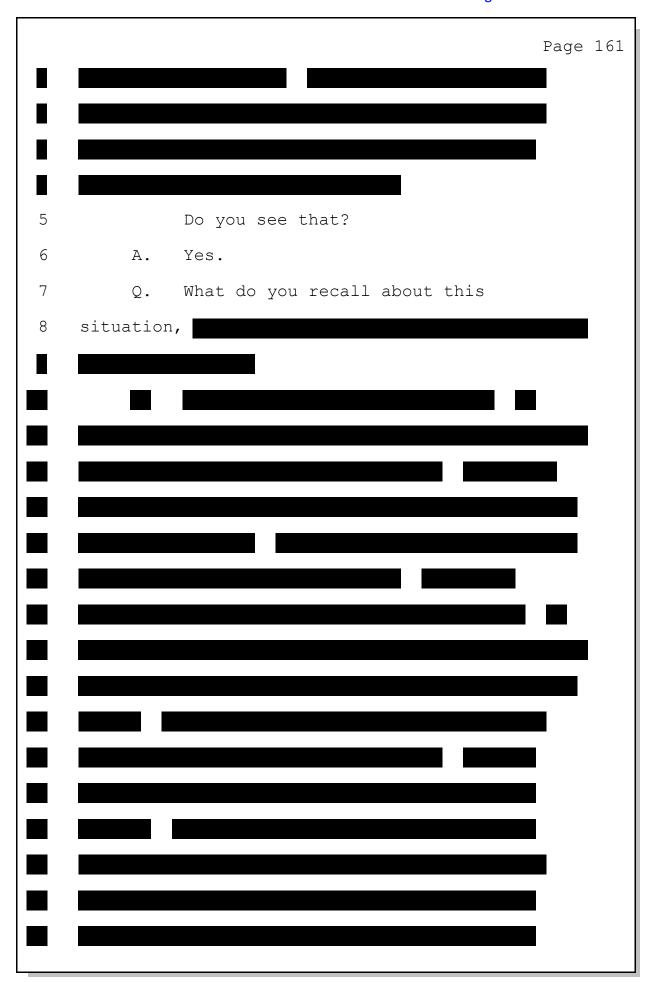
Page 158

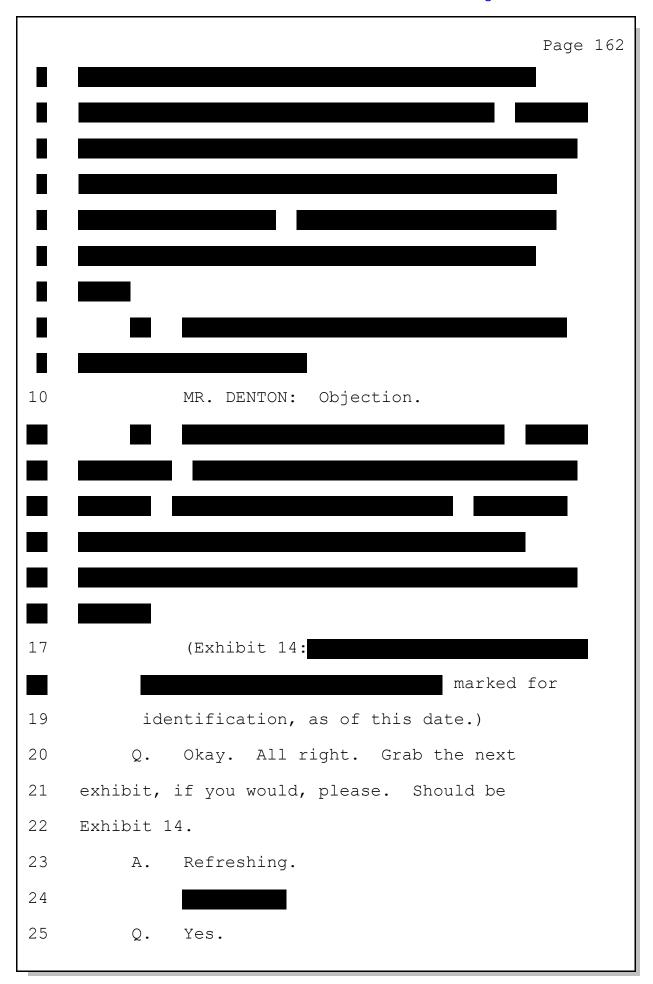
- 1 What do you recall about this
- 2 situation?
- 3 A. So it raised a concern. It's what we
- 4 call an event. So we start the process of
- 5 investigation, bringing in help. Fortalice does
- 6 a lot of our forensics. Seems to me we sent a
- 7 investigator out to that polling place to get
- 8 that laptop. We packaged it up and sent it up to
- 9 Fortalice and had them basically go on the site
- 10 and see whether or not there was any evidence of
- 11 somebody doing any malicious activity on the
- 12 computer.
- 13 Fortalice, if I recall, looked through
- 14 the whole machine, did all of their, basically,
- 15 forensic activity and found there was nothing
- 16 going on that computer.
- 17 Q. And do I understand right -- oh, sorry.
- 18 Go ahead.
- 19 A. I said the only thing we can guess is
- 20 it was potentially a novice computer person using
- 21 it and it was -- had done something -- a lot of
- 22 times people will in the X -- the process of,
- 23 like, dragging a file to open it will
- 24 accidentally drag it into another folder and all
- of a sudden say hey -- hey, somebody deleted my

Page 159

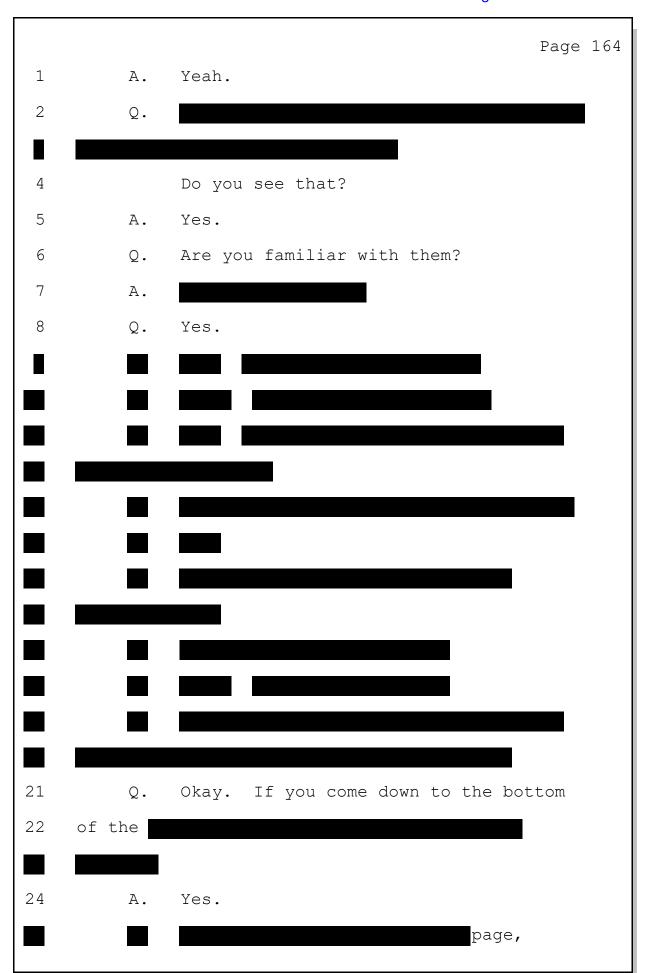
- 1 file, somebody's taken over my computer when in
- 2 reality it was a pilot error. So this was
- 3 classified as an event, not an incident.
- 4 Q. Okay. And what's the distinction you
- 5 draw between event and incident?
- 6 A. So an event is when something has
- 7 flagged as a suspicious activity or something
- 8 that looks wrong that deserves somebody to do
- 9 investigation. Once you identify, you know, that
- 10 there is malicious activity going on, it gets
- 11 transferred to status of an incident and you
- 12 start a process called an incident response
- 13 process, which is bringing in the -- you know,
- 14 the appropriate people, starting to document it,
- 15 things like that.
- 16 Q. Okay. And do I understand correctly
- 17 that there's no written report on Fortalice's
- 18 findings because of the policy for them not to
- 19 generate reports on this?
- MR. DENTON: Objection.
- 21 A. I don't recall -- I don't recall. Even
- 22 a -- like a document. I just remember hearing
- 23 oh, it's -- there's nothing there. They've
- 24 searched it.
- 25 (Exhibit 13: E-mail string with the top

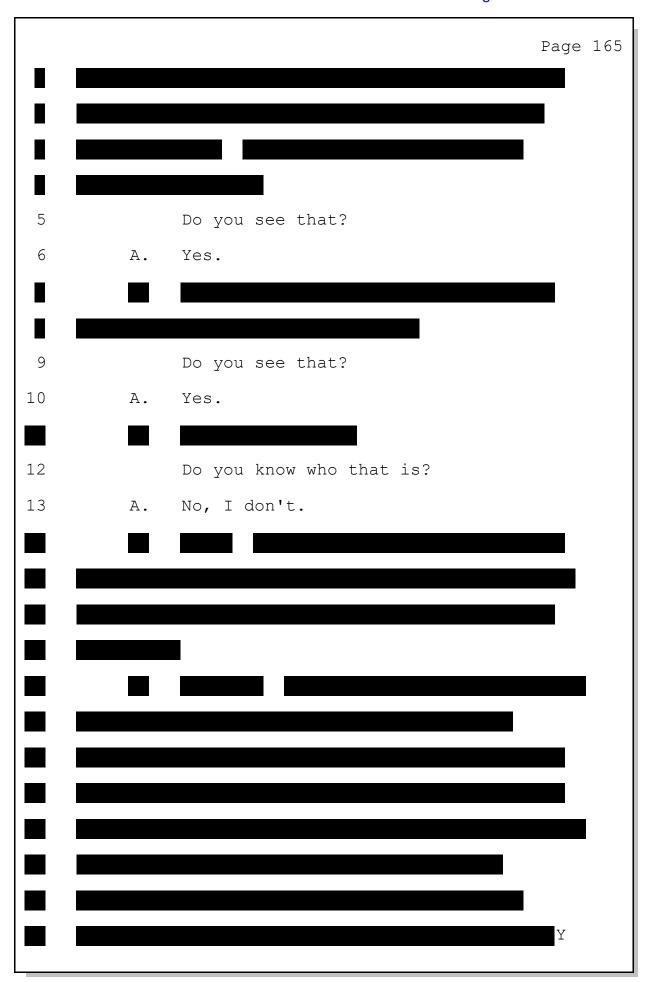
```
Page 160
           from
 1
                                              marked
 2
           for identification, as of this date.)
               Okay. All right. Grab Exhibit 13,
 3
          Q.
     please.
 5
          Α.
              From
 6
          Q.
               Yes.
               So this is an e-mail that
 7
                                             , right?
 9
              Okay.
          Α.
               And then if you come down to the
10
          Q.
     earliest e-mail on the thread, the bottom of the
11
     page, you see
12
14
          Α.
               Yes.
15
               And that
          Q.
18
          Α.
               Yep.
               And the subject line is
19
          Q.
21
               Do you see that?
22
               Yes.
          Α.
```

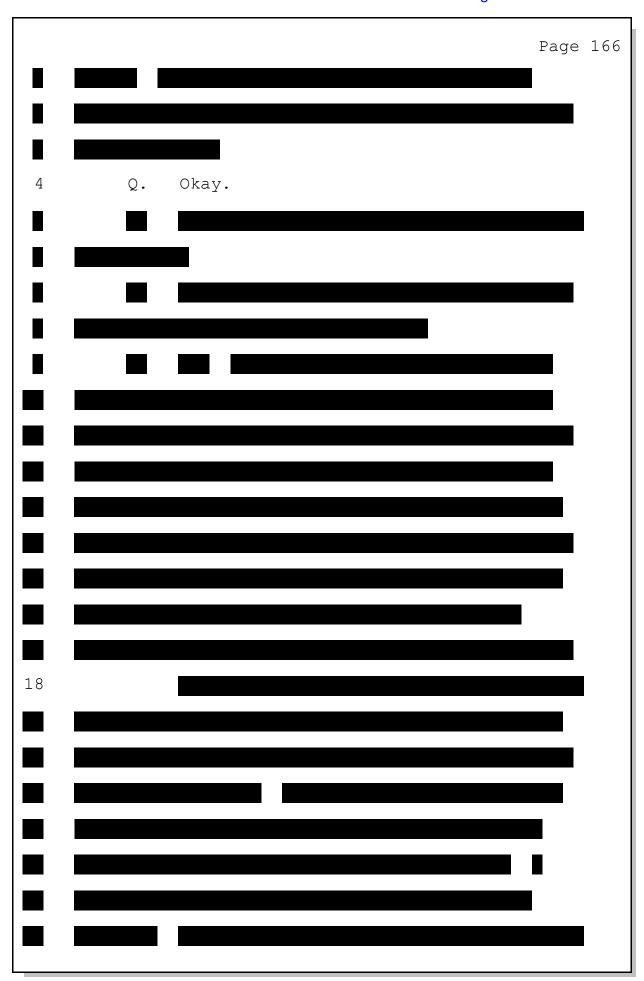


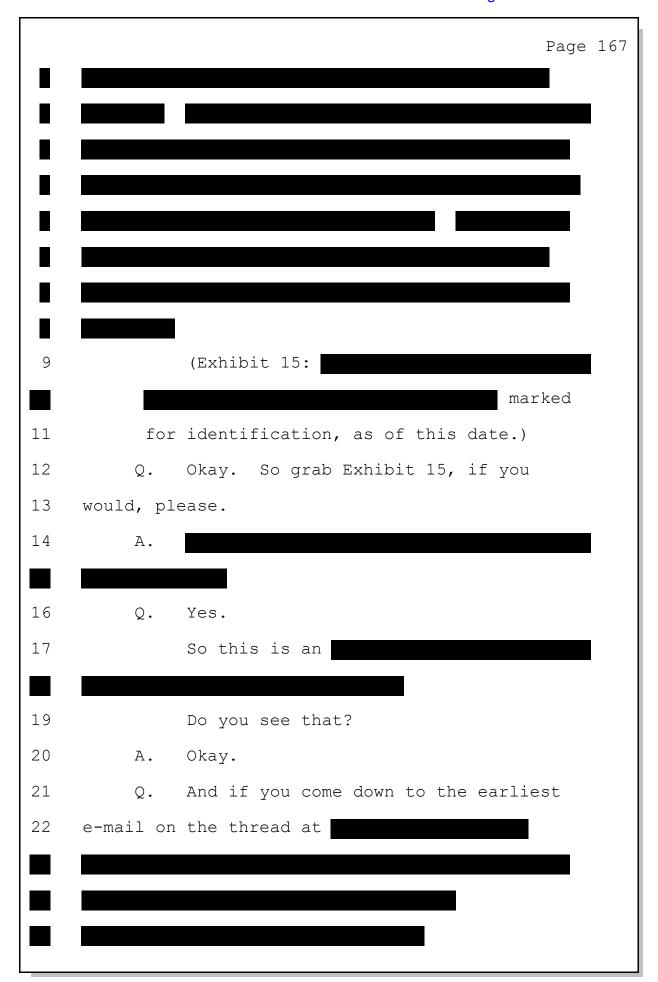


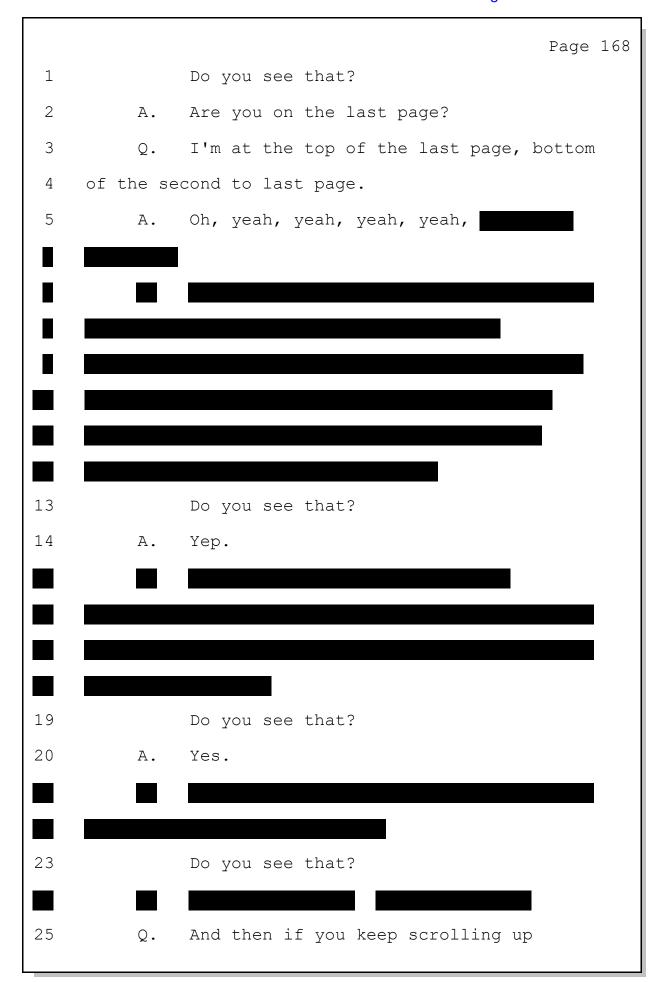
```
Page 163
              So this is an e-mail that you received
 1
 2
    from
 3
        A. You mean
         Q. Well,
 5
    Do you see that? End of the third or fourth
    line.
7
         A. Oh, way over there. Yeah, I see it. I
    see it.
 8
9
        Q. Yeah.
10
              The
12
         A. Yes.
13
         Q.
              And
15
              Fannin County is a county in Georgia;
    is that right?
16
         A. My geography's not that great. There's
17
    159 of them. I don't know all their names.
18
19
         Q. All right.
22
              Do you see that in the middle of the
23
    first page?
24
             And do you see that
```

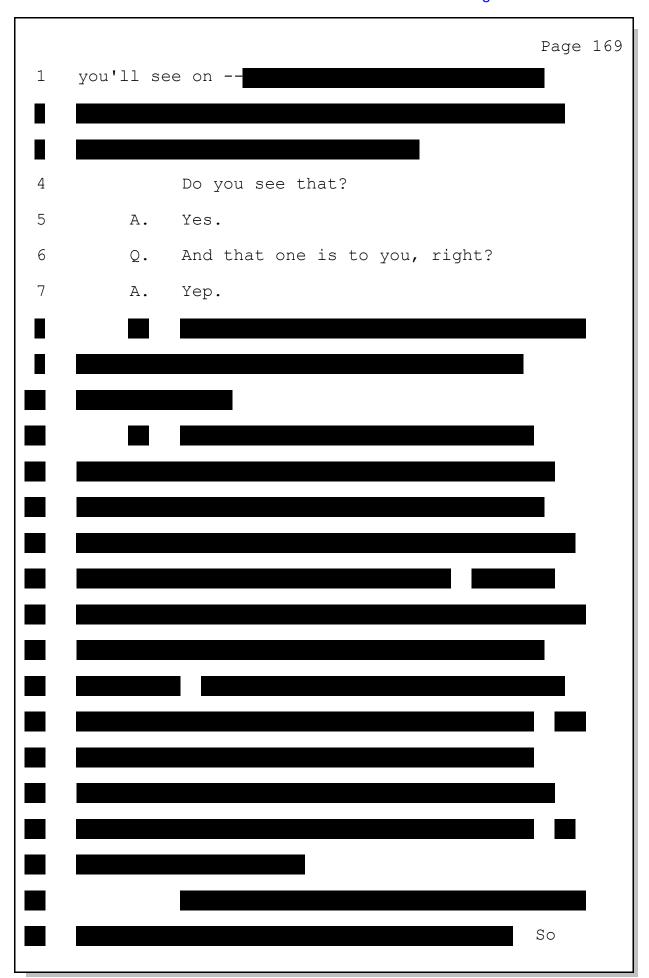


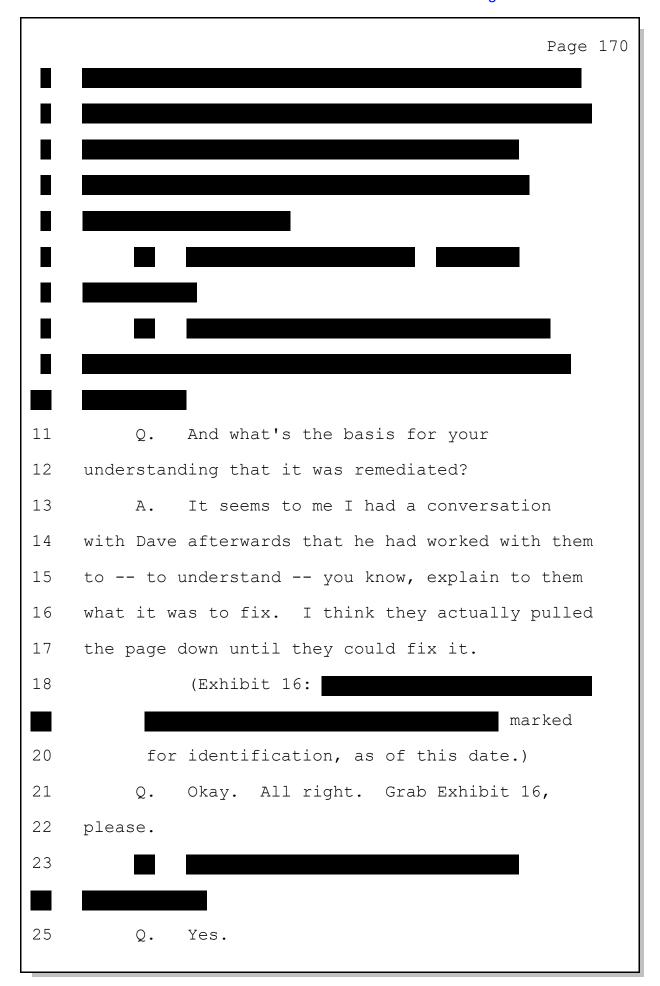


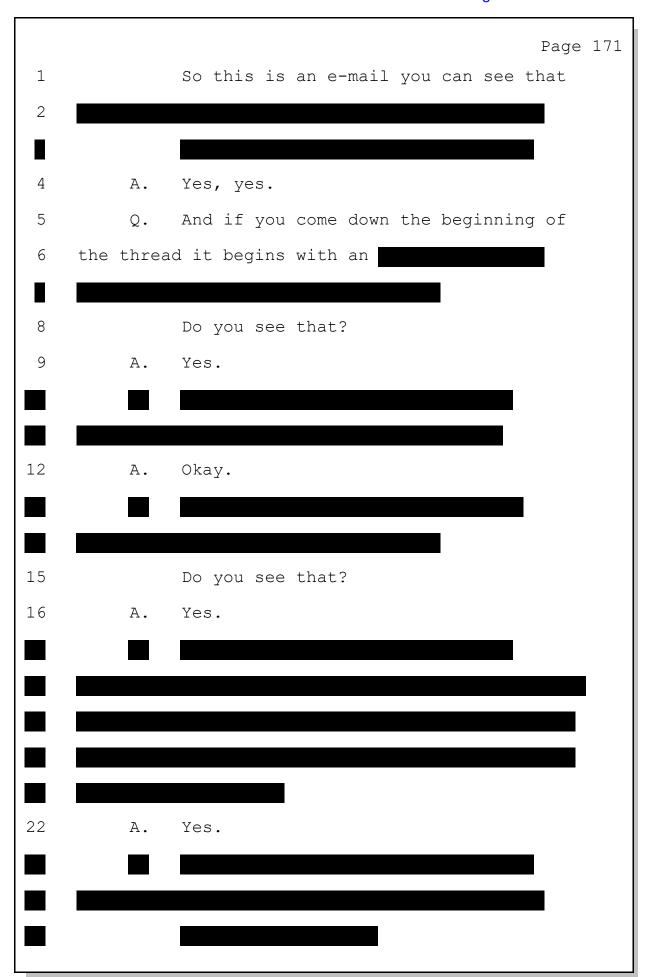


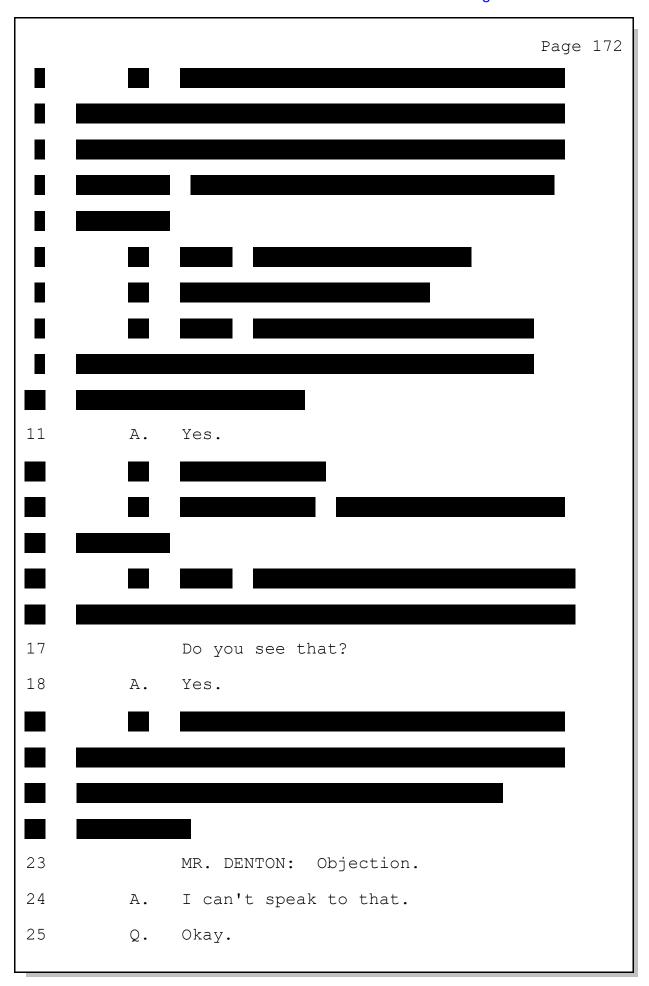










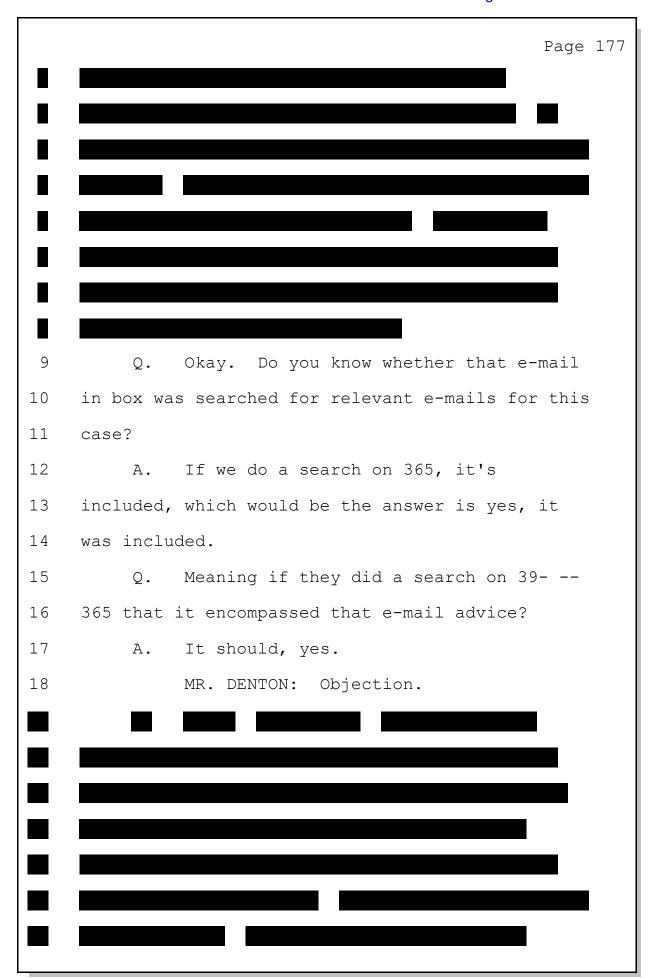


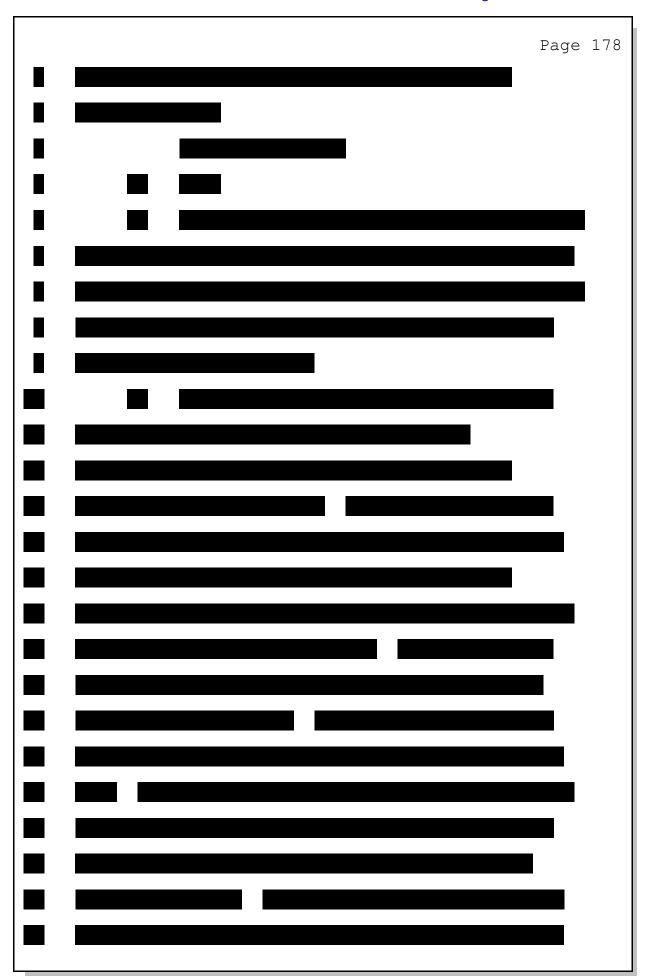
```
Page 173
               I know he -- Dave was a hard-core
 1
          Α.
     security person and he didn't like -- he was
 2
 3
     basically -- was very much this is how he felt
     things should be done. People doing something a
 4
     different way rubbed him. So this doesn't
 5
 6
     surprise me.
 7
          Q.
               And Hamilton was the chief information
     security officer while he was at the Secretary's
 8
 9
     office, right?
10
          Α.
               Yes.
11
          Q.
               Okay.
12
          Α.
               He did a good job.
17
               Do you see that?
18
          Α.
               Yep.
21
          Α.
               Yes.
25
          Α.
               As I said --
```

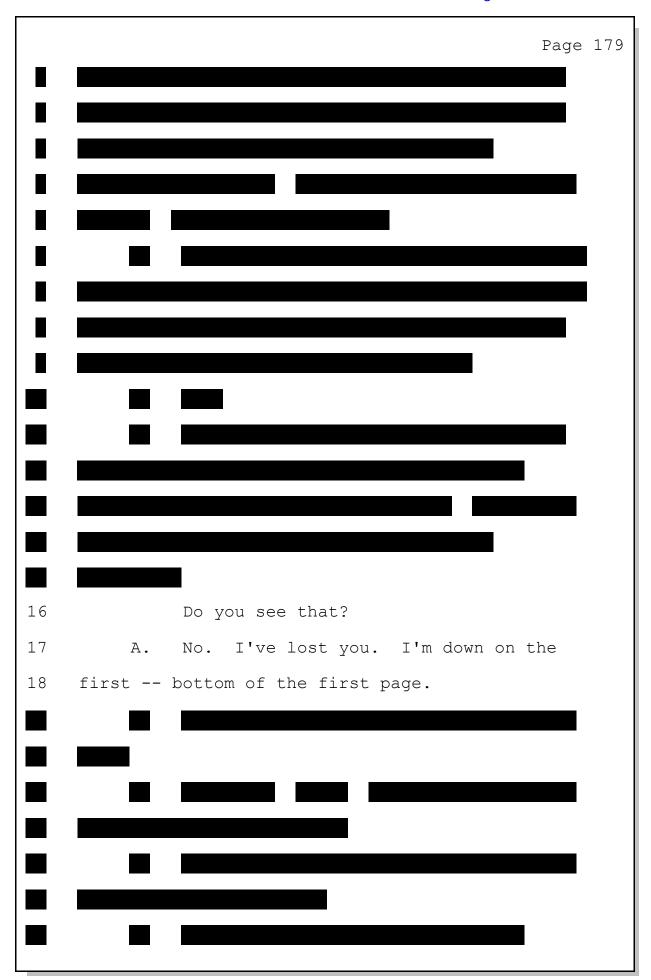
Page 174 MR. DENTON: Objection. 1 2 -- Dave was a -- I'll say a Α. 3 perfectionist. He was very judgmental of other people. And if they didn't do things his way, he 4 5 wasn't satisfied. There are lots of people in the securities world. Dave was a very hard-core 7 and that he had his vision of how things should 8 be done. Not that his was the only way to do 9 something, but he had his way and he spoke his 10 mind. 13 Now, did Dave have a harder view on 14 things and drive the organization better? Yeah, 15 he did. That's why he essentially replaced 16 James. But James did what he was supposed to do. 17 He worked within the legal law of what 18 requirements were. Security is a broad 21 topic. Dave was very opinionated and he 22 basically would voice his opinion all the time. 23

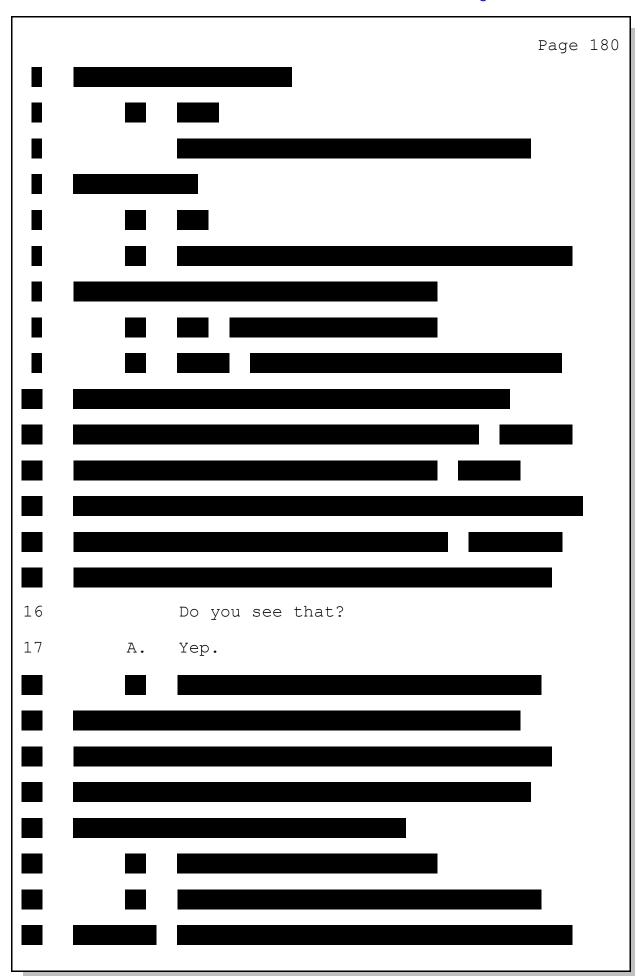
Page 175 5 MR. DENTON: Objection. Α. I know he and I have talked about 8 this on multiple occasions. As I said, he was a perfectionist. The attestation applies only, 9 10 only to the voting -- voter registration system, 11 the election system. Dave felt it should apply 12 to all things that the Secretary of State managed. But the attestation specifically only 13 14 applied to election. So Dave was always on a --15 on a course to say we should have things like artifacts that cover everything, whether it's the 16 17 corporate registration system, whether it is the 18 security system, professional licensing system. 19 He felt all of them should fall under the same 20 level of security that elections did. But the 21 attestation clearly does not include anything but 22 elections. And that was always a rub to Dave. 23 Does that answer your question? 24 Q. I think so. I was going to grab 25 another exhibit for you.

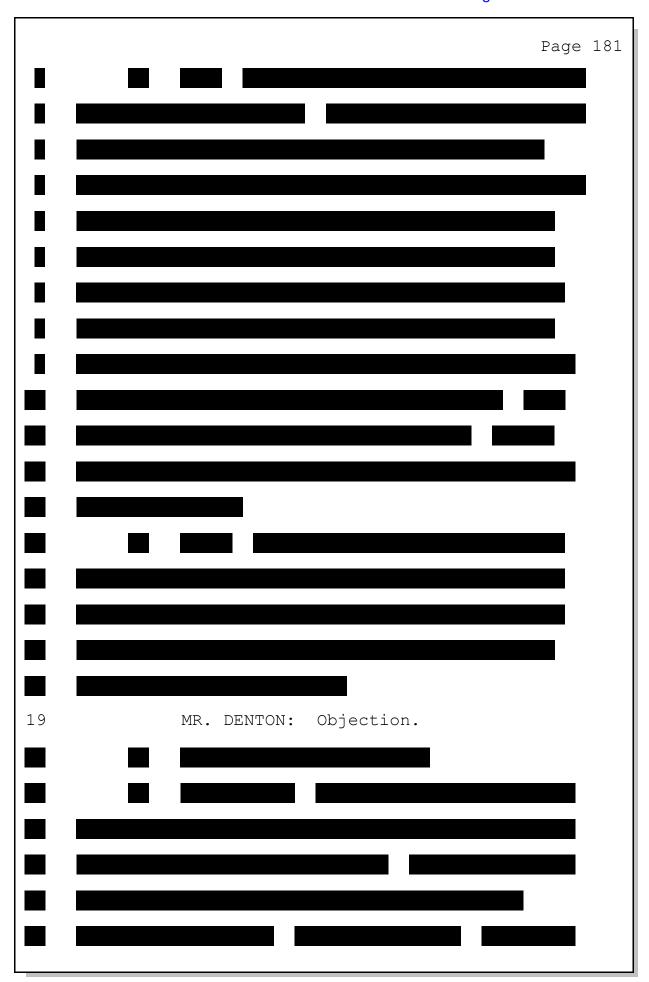
```
Page 176
               Oh, all right I didn't -- one of those
 1
          Α.
 2
     pregnant pause moments --
 3
          Q.
              Yes. Sorry.
               (Exhibit 17:
 4
                                              marked
           for identification, as of this date.)
              All right. Grab Exhibit 17.
 7
          Q.
              This looks like it's the same topic.
 8
          Α.
              Yes, yes, a little bit earlier. So I
 9
          Q.
10
     wanted to -- a little more context.
11
               So if you go to the top, you'll see
12
    this is
15
          Α.
               Okay.
16
               If you come down in the
          Q.
20
               Do you see that?
21
          Α.
               Yes.
22
               What is the
          Q.
```

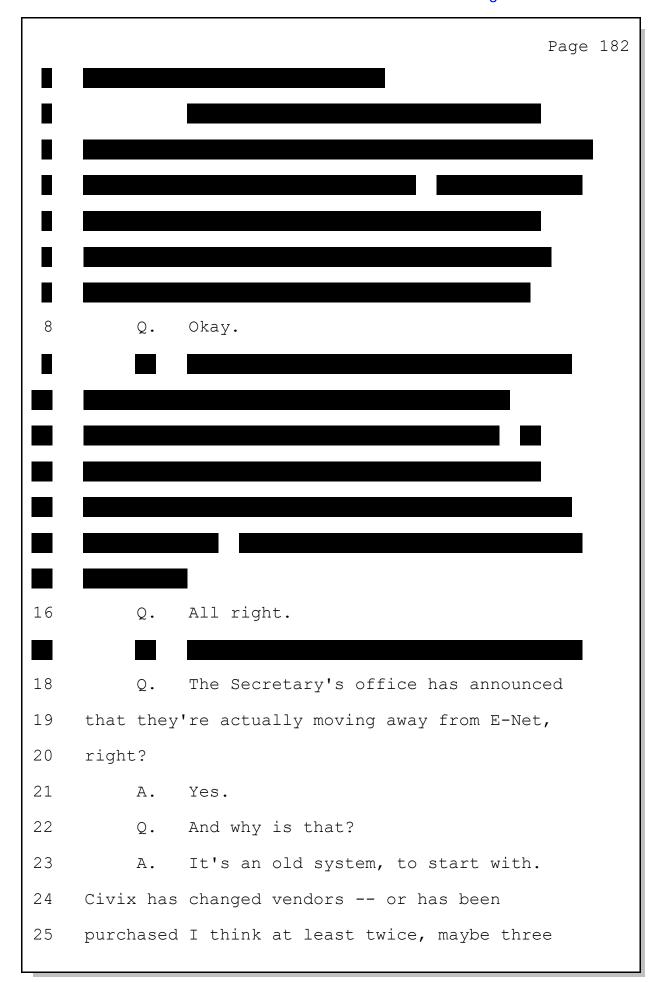






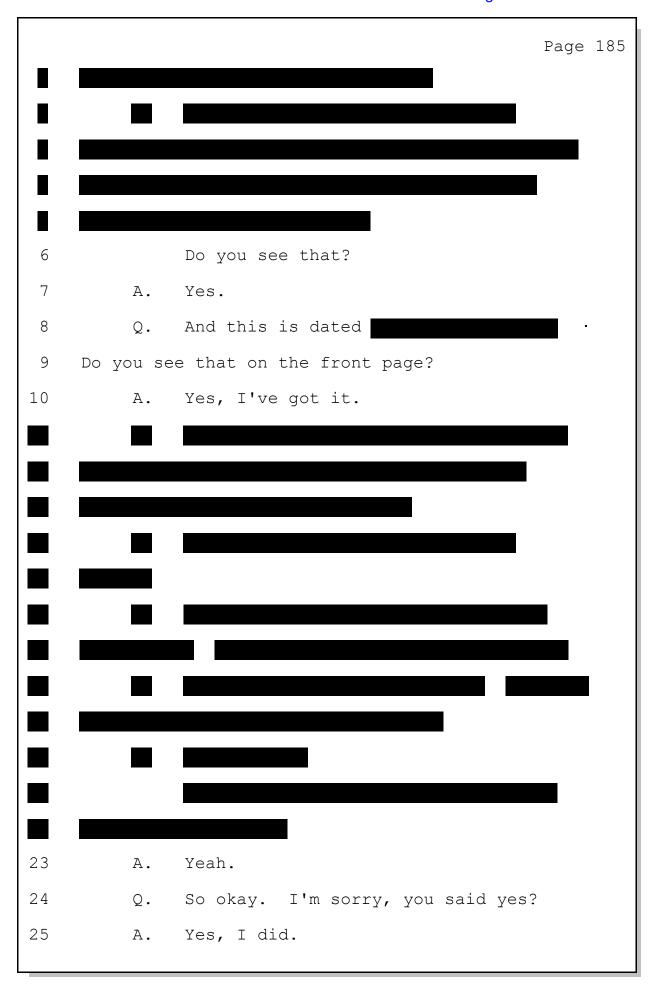


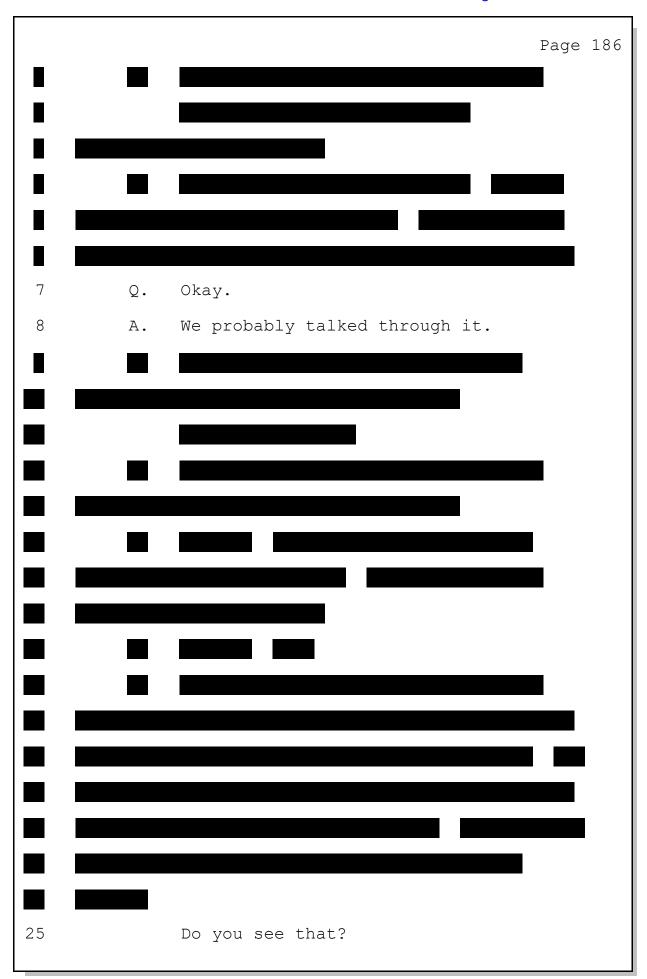


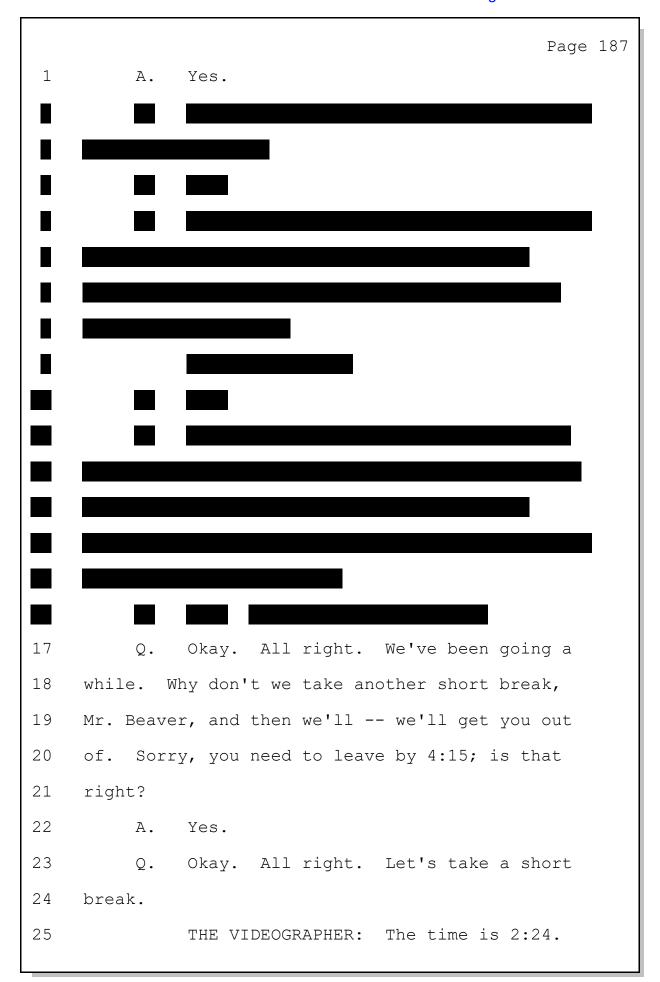


- 1 times in the last four years, four or five years.
- 2 Q. When was the decision made to move away
- 3 from E-Net?
- 4 A. Last year.
- 5 O. Who made that decision?
- 6 A. Front office.
- 7 Q. And by front office who do you mean?
- 8 A. Secretary.
- 9 Q. Oh, Secretary Raffensperger?
- 10 A. Yes. Those kind of decisions, it comes
- 11 down to him to make the call. We present
- 12 proposals and it's up to him to say yay, nay.
- 13 O. What --
- 14 A. It's a big decision.
- 15 Q. Sorry.
- 16 A. Yeah, that was a big, big decision.
- 17 Q. What were those specific reasons that
- 18 he decided to move -- to replace E-Net?
- 19 A. One was the age, one was the ability
- 20 for us to get, like this, certain fixes put in
- 21 place that we wanted to see. Some of it was
- 22 security related, some was just functionality
- 23 related. The application was built I think like
- 24 in 2012 when we first purchased it. And the --
- 25 but the actual application was probably built a

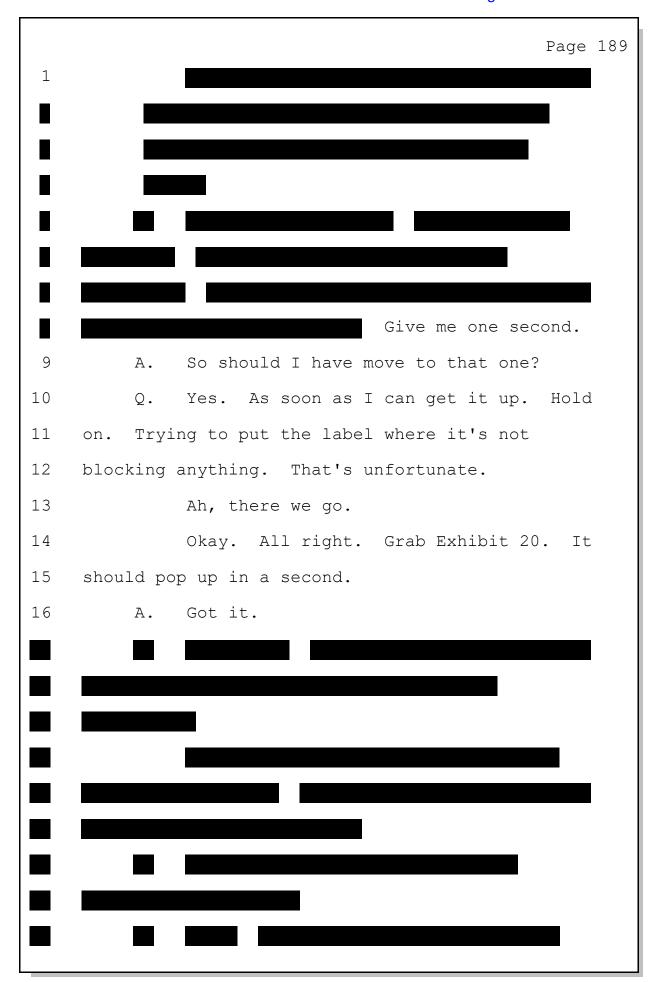
Page 184 year or two before that. So the core code was 1 2 ten years old. Getting very old. Technology has 3 changed. So it was time to look at another solution. We were in the process of also looking 5 at some of our other systems and we decided to do 6 basically an overall refit of everything. 7 Q. What's the new solution that you're 8 bringing in in place of E-Net? 9 I think they've announced -- already announced that it's Salesforce based. 10 O. And will that be a cloud solution 11 12 hosted by Salesforce? 13 Yes. Α. Okay. What's the process for migrating 14 Q. 15 data from E-Net to Salesforce; do you know? 16 It hasn't been done yet. We're in the 17 process of trying to come up with a migration 18 plan. 19 (Exhibit 18: marked for 23 identification, as of this date.) 24 Q. All right. Grab Exhibit 18, please. 25

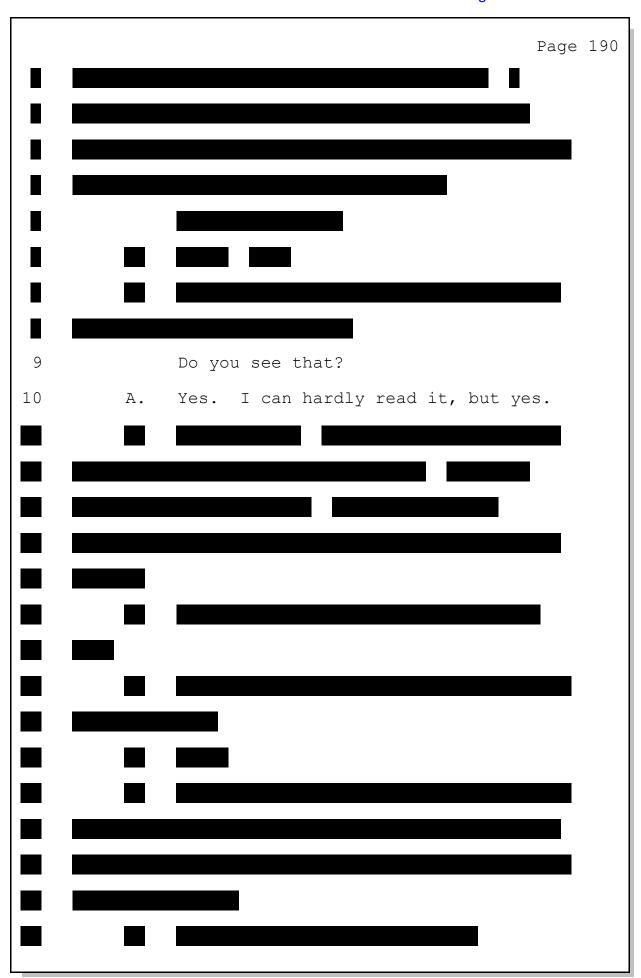


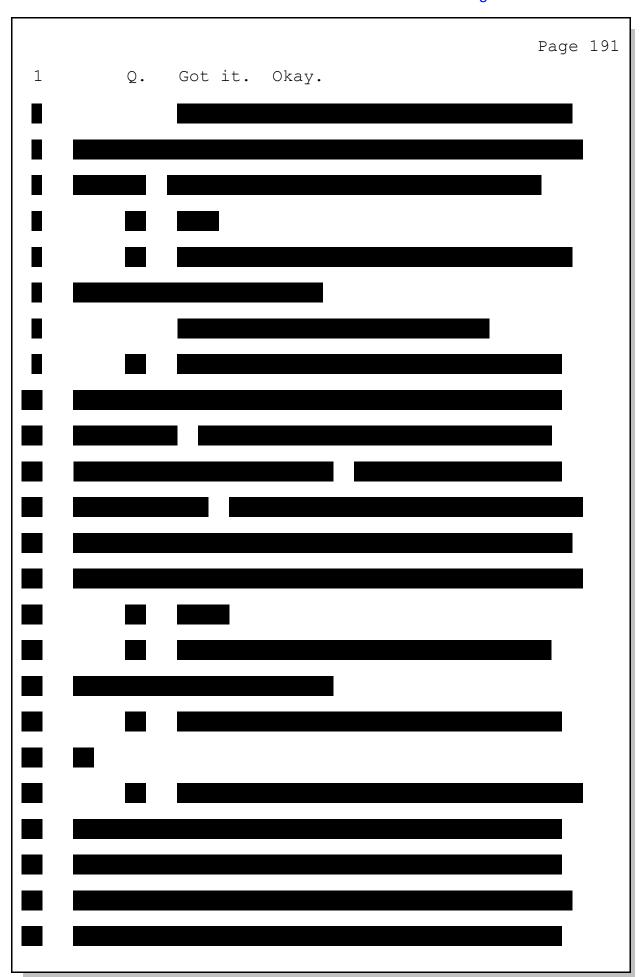


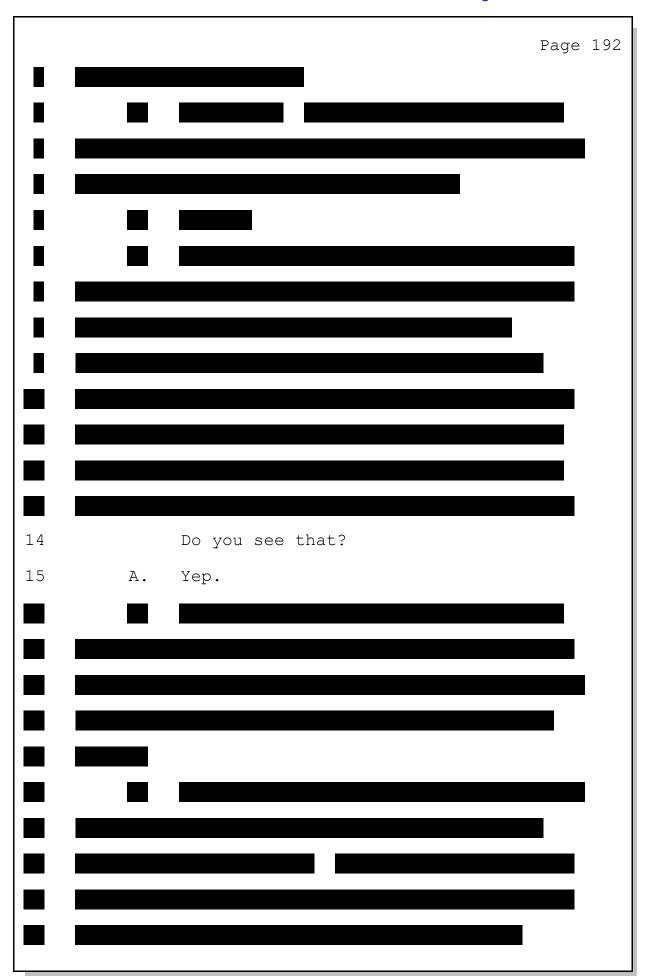


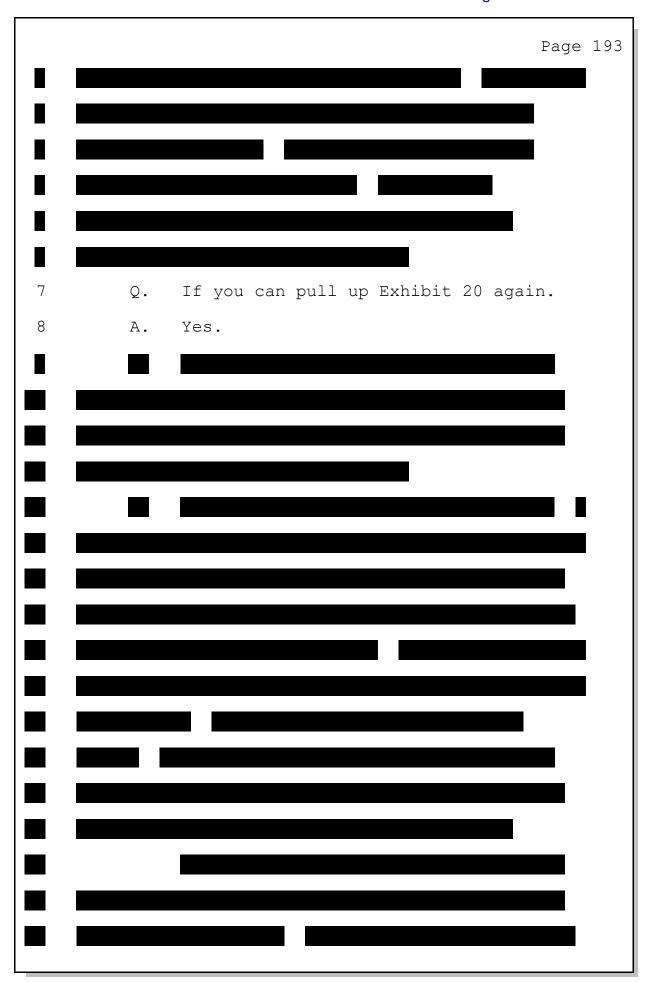
```
Page 188
          We're off the record.
1
2
              (A BRIEF RECESS WAS TAKEN.)
3
              THE VIDEOGRAPHER: The time is 2:40.
          We're back on the record.
4
5
              (Exhibit 19:
                marked for identification,
          as of this date.)
7
         Q. All right. Mr. Beaver, can you grab
8
9
    the next exhibit, please.
10
         A. Exhibit 19?
11
         Q. Yes, sir, Exhibit 19.
12
13
         Q.
             Yes.
19
             Do you see that?
20
             Yes.
         Α.
23
         A. Okay. Yes. I don't see the
24
    attachment, but yes.
25
         Q. Yeah.
```

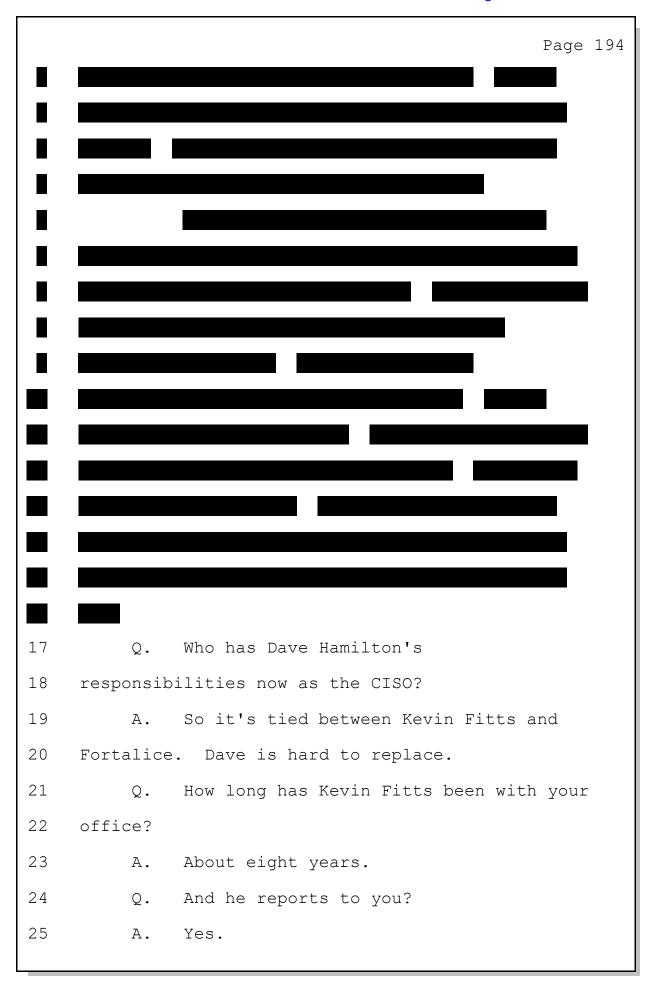












- 1 Q. And what responsibilities does
- 2 Fortalice have for filling in part of the CISO
- 3 role?
- A. So the key strategic where do we go,
- 5 what are the core elements that we need to work
- 6 on, Kevin Fitts does not have that level of
- 7 experience of a CISO. He is not a CISO. He's a
- 8 manager, he's certified in security. But he
- 9 doesn't have the years of experience Dave had.
- 10 So until we figure out how to replace Dave, Kevin
- is helping me fill in the position of helping to
- 12 manage the day-to-day.
- I mean, so for like risk registers,
- once it's been identified where the issues are,
- 15 we need to start working -- working a plan on
- 16 each of these. And each of these could take
- 17 months to fix. And some of them that are what
- 18 are considered high risk maybe probability is
- 19 someone actually attacking it is really low. But
- 20 if they were to find it, it would cause a
- 21 problem.
- 22 So his task is working with Fortalice
- 23 to identify all right, let's work on these five
- 24 things first. Because you can only do so much at
- 25 a time. It's a working environment. This is not

- 1 some, you know, academic world that work doesn't
- 2 go around. They just work on building the best
- 3 system in the world, but nobody really uses it.
- 4 This is a working environment. Things happen
- 5 every day. So this is a good list. This is the
- 6 list that we work off of to help prioritize,
- 7 okay, we need to work on these three things
- 8 first. And they aren't necessarily the top three
- 9 because the top one may take replacing an entire
- 10 system. So we have to go through and figure out
- 11 okay, the really bad ones, if we can't fix right
- 12 away, what can we do to remediate or block or
- 13 protect ourselves in case somebody does penetrate
- 14 them. We talked about that earlier. Sometimes
- 15 you actually shield off a system, move it outside
- 16 the firewall into its own corral to know that if
- 17 it gets breached, it doesn't impact anybody else.
- 18 You do extra things like back it up, make sure
- 19 nothing that you can lose is out there. Those
- 20 kinds of activities. Because it's a high -- and
- I have to use it, but I don't have a fix right
- 22 away. So you remediate it in different ways. So
- 23 but I can't -- I don't have a list here of which
- 24 ones are the worst or the best. That would take
- 25 some analysis and time.

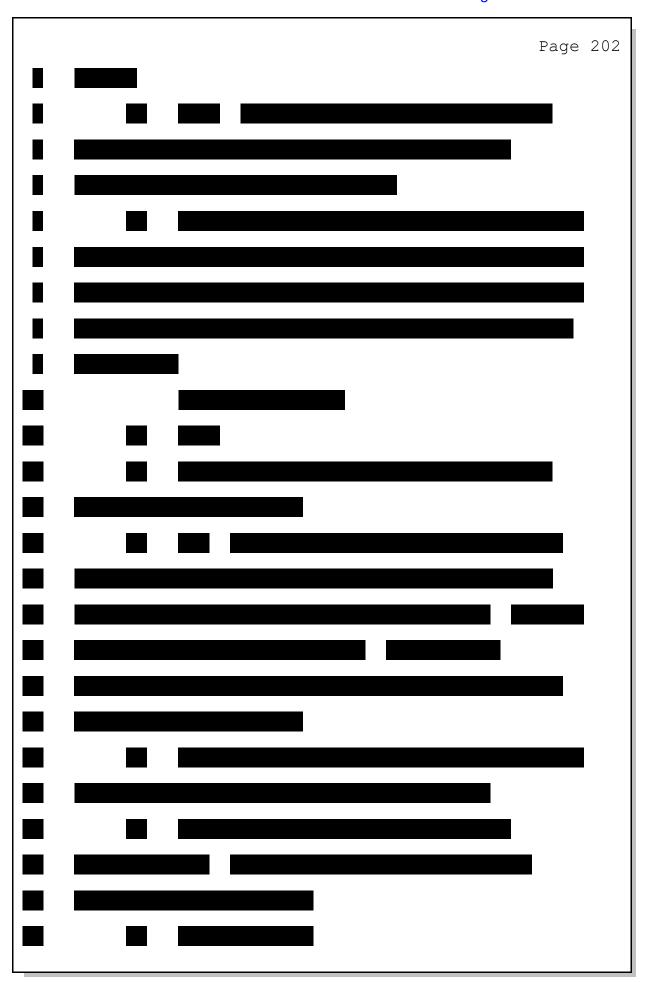
- 1 Q. Okay.
- 2 A. The important thing here is we track
- 3 what our weaknesses are and we work toward fixing
- 4 them. Too many organizations that I've seen do
- 5 turn a blind eye to try to keep track of this.
- 6 This is what's made our organization strong
- 7 security-wise is we keep track of it, we hold
- 8 ourselves accountable.
- 9 Q. And sorry, Mr. Beaver, if I asked you
- 10 this earlier, but I can't remember. We talked
- 11 about, you know, possible forensic examination of
- 12 voting equipment like BMDs and printers and
- 13 scanners. Do you know why that has not been done
- 14 in Georgia?
- MR. DENTON: Objection.
- 16 A. No. I have not been involved in a
- 17 question about doing that. So I don't have -- I
- 18 couldn't answer you either way.
- 19 Q. So that's not something you've proposed
- 20 as the CIO; is that fair?
- 21 A. That is fair.
- Q. Okay. And are you aware of any
- 23 discussion or consideration at the Secretary's
- 24 office about doing that or you've just not heard
- 25 anything like that?

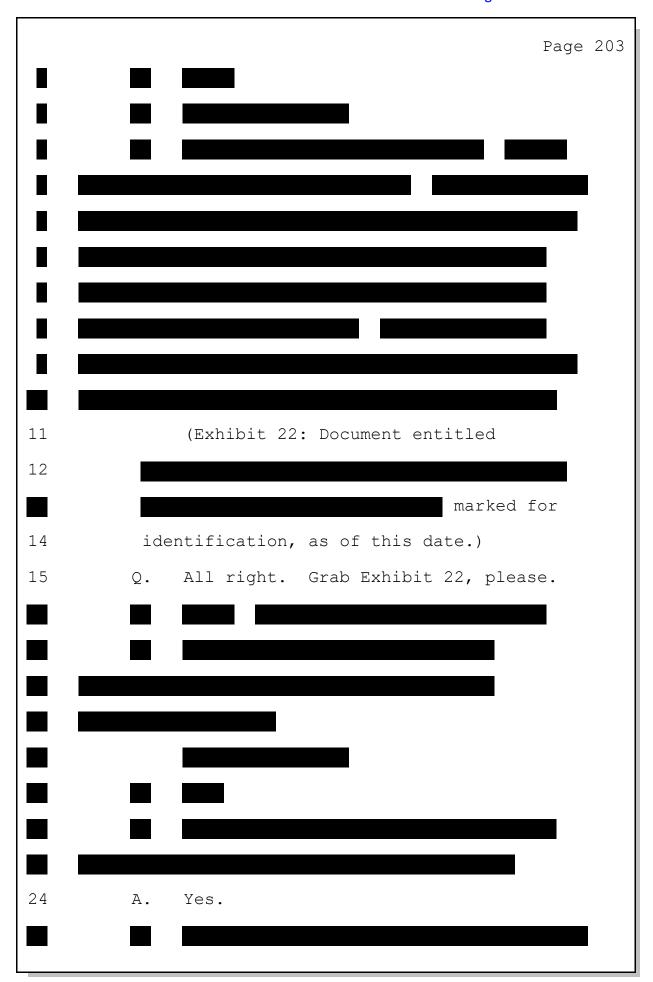
- 1 A. Correct. I have not heard anything.
- Q. Okay. Who would have the authority to
- 3 make the decision to do that type of analysis?
- 4 A. It would be between the election
- 5 center, the elections department, Gabe Sterling
- 6 and the Secretary. If an issue bubbled up that
- 7 pointed to a risk, meaning it's verified that
- 8 something has happened that shows that something,
- 9 you know, has happened, yeah, we probably would
- 10 act on it. If we get an e-mail from somebody
- 11 saying I'm going to start hacking your system,
- 12 beware, that's probably not enough information to
- 13 jump on, oh, let's run a test on all the stuff.
- 14 Q. Okay.
- 15 A. And you've seen it.
- 16 Q. Are you familiar with something called
- 17 the SolarWinds hack?
- 18 A. Yes.
- 19 Q. And do you recall that nine Georgia
- 20 counties, there was evidence that they may have
- 21 downloaded malware related to that hack in
- 22 February of 2021?
- 23 A. I didn't know the count. I knew that
- 24 there were some counties that were vulnerable.
- Q. Were you involved in any investigation

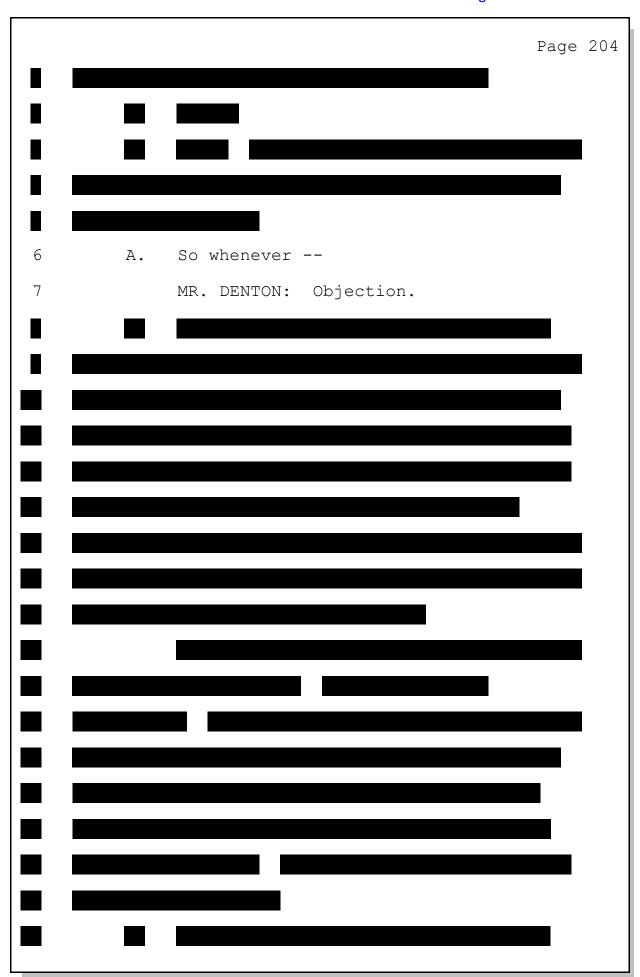
- 1 into whether the solar wind hack created any
- 2 compromise of any Georgia counties?
- 3 A. Not Georgia counties. We focused on
- 4 our own environment.
- 5 Q. What investigation was done with
- 6 respect to the Secretary's environment related to
- 7 the SolarWinds hack?
- 8 A. We went through and did a full search
- 9 of all of our systems to see if there was any
- 10 solar winds applications that were vulnerable
- 11 within our systems. We came back with negative.
- 12 Q. How did you do that?
- 13 A. We did an inventory of all of our
- 14 applications to see if any of them used solar
- 15 winds. And then if they did use solar winds,
- 16 which we do use, we went back and verified
- 17 whether or not it was in the group that were
- 18 vulnerable and what we had was not.
- 19 Q. And how did you determine -- determine
- 20 what group was vulnerable?
- 21 A. SolarWinds published that information.
- 22 O. You looked to see that it -- whether
- 23 anyone in the Secretary's office was using
- 24 SolarWinds applications that SolarWinds had
- 25 identified as being potentially vulnerable?

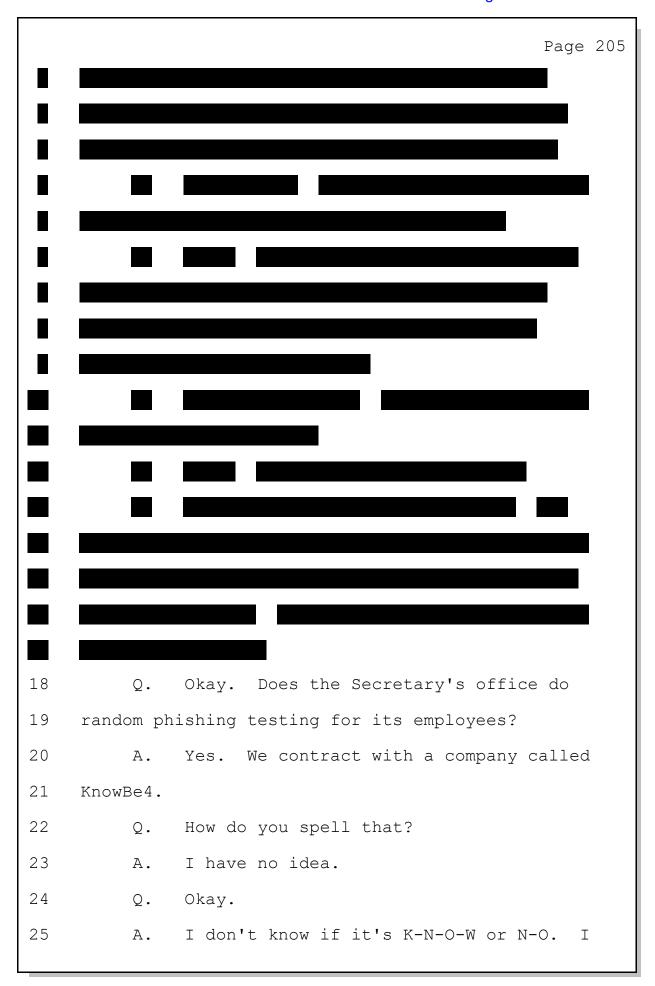
- 1 A. Correct. Meaning when you say office,
- 2 the only people that would have used SolarWinds
- 3 would have been the SOS IT group. So we only
- 4 have to check ourselves. It's not an application
- 5 that your regular office people would use.
- 6 Q. And --
- 7 A. A small group of people that would use
- 8 it.
- 9 Q. And your investigation found that no
- one in the Secretary's office among those you
- 11 would expect to use it, it sounds like you're in
- 12 the IT department, were using any of the
- 13 SolarWinds applications that SolarWinds
- 14 identified as potentially vulnerable; is that
- 15 right?
- 16 A. Correct. Correct.
- 17 Q. Do you recall a situation involving a
- 18 ransomware infection related to the Jekyll Island
- 19 authority?
- 20 A. No. I don't know which -- was it
- 21 recent or a long time ago?
- 22 Q. September 2020. Let me -- I can show a
- 23 document to help. Hang on a second.
- A. Was it a county office?
- Q. I'm not sure. I'm hoping you can help

```
Page 201
    me. Hang on one second. Let me pull this up for
 1
 2
    you.
               I know for a while there was a number
 3
          Α.
    of counties and cities that got -- were getting
    hit. In fact, I think the City of Atlanta got
 5
 6
    hit.
7
               (Exhibit 21:
                                           marked for
           identification, as of this date.)
              All right. Grab Exhibit 21, if you
10
         Q.
    would. And just let me know --
11
24
         Q.
              Right.
```









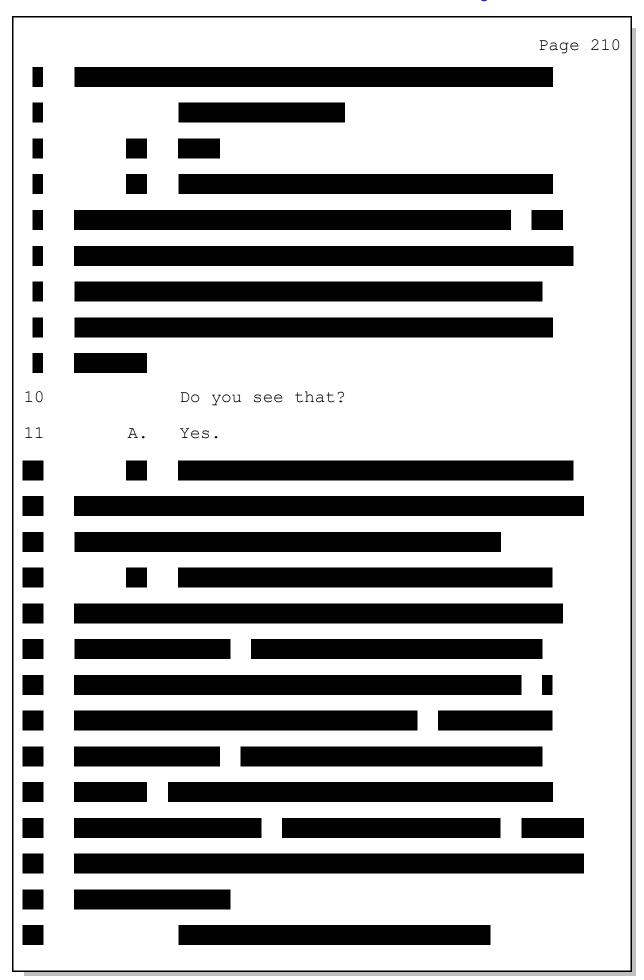
Page 206 think it's K-N-O-W Be4, but I won't swear to it. 1 2 Q. Okay. 3 If someone Googles it, they'll figure Α. it out. 4 5 Is that company -- when they do the Ο. 6 random phishing testing, do they generate 7 reports, written reports? 8 Yes, they do. And KnowBe4 the 9 company's solution actually comes as part of our 10 annual cyber insurance policy. So the state signs -- created a cyber insurance policy and 11 12 part of paying your paid -- part of the cyber 13 insurance each agency gets basically an agreement 14 with KnowBe4. 15 Do you personally receive their random Q. 16 phishing testing reports? 17 Α. No, I don't. 18 Q. Who receives those? 19 Somebody on my security team goes and Α. 20 gets it. 21 And is that -- how often is that Ο. 22 testing done? 23 Quarterly. Α.

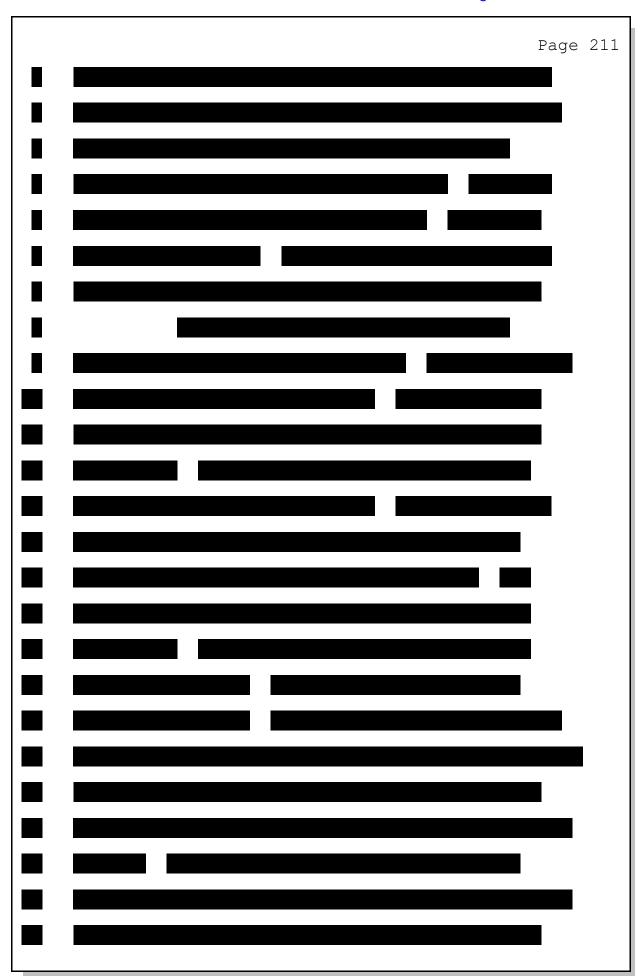
- 24 Q. Are you aware of the -- the findings in
- 25 those reports or do you rely on other folks to

- 1 review those?
- 2 A. I -- about a year ago I started asking
- 3 about them because I was hearing from GTA that
- 4 agencies were really falling off their compliance
- 5 in taking them. And I went and checked and we
- 6 too had fallen off, meaning, you know, we're down
- 7 to -- in the 70 percentiles of people taking it.
- 8 So I asked my security team to go in and figure
- 9 out what the heck's going on.
- 10 Where the problem lie -- seem to lie
- 11 was GTA, who runs the whole thing, wasn't taking
- 12 people that had left the business off the report.
- 13 So people that had left were still being counted
- 14 as not taking the test. So it took -- and
- 15 they're supposed to have fixed it. I don't think
- 16 it's fixed as of today, that reporting.
- 17 Q. So were you able to confirm whether the
- 18 Secretary's office was actually doing the random
- 19 phishing testing for everyone who was supposed
- 20 to?
- 21 A. Yes, it was actually being sent to more
- 22 than our people. It was sent to our people and
- 23 the people that had left, which, of course, those
- 24 e-mails were going nowhere.
- Q. And do you know whether employees had

- 1 fallen for the phishing testing over the years?
- 2 A. Sure. We used to send out messages in
- 3 the beginning about, you know, bad performance.
- 4 I mean, we didn't get a lot. But we got a
- 5 handful. And we basically tried different
- 6 approaches, the shame approach, the -- the -- you
- 7 know, maybe this department is doing so much
- 8 better than another department, trying different
- 9 ways to influence people to -- to try harder.
- 10 And then over time they've gotten very well. And
- 11 I would say phishing has -- the phishing test has
- 12 really sharpened our peoples' ability to tell
- when an e-mail comes in to a point that we get
- 14 lots of e-mails that you're totally legitimate,
- but people are calling saying hey, what is this
- 16 thing? So they're probably overly sensitive now.
- 17 Q. Have you ever had a year where no one
- 18 fell for the phishing test?
- 19 A. I don't think so. That's not reality,
- 20 probably.
- 21 Q. Are you familiar with an organization
- 22 called Secureworks?
- 23 A. Yes. Dell -- company from Dell. We
- 24 used to use them.
- Q. Right.

Page 209 1 I was going to say, that's an 2 organization that you -- the Secretary's office 3 used to use to help with cybersecurity; is that right? 5 Α. Yes. 6 Q. Why did the Secretary's office 7 terminate its relationship with Secureworks? 8 Essentially it was redundant. 9 moved to Palo Alto to do our security and 10 Cybraics. And those two vendors covered the same 11 platform space that Secureworks did. So it was 12 redundant. We double ran them I think for about 13 a year, we ran both, and didn't find that 14 Secureworks was doing any better, you know, 15 finding anything that the other two weren't 16 finding. So we turned them off. And they were 17 very expensive. 18 (Exhibit 23: marked 20 for identification, as of this date.) 21 Ο. All right. Let me give you another 22 exhibit here. So grab Exhibit 23, if you would. 24 Q. Yes.

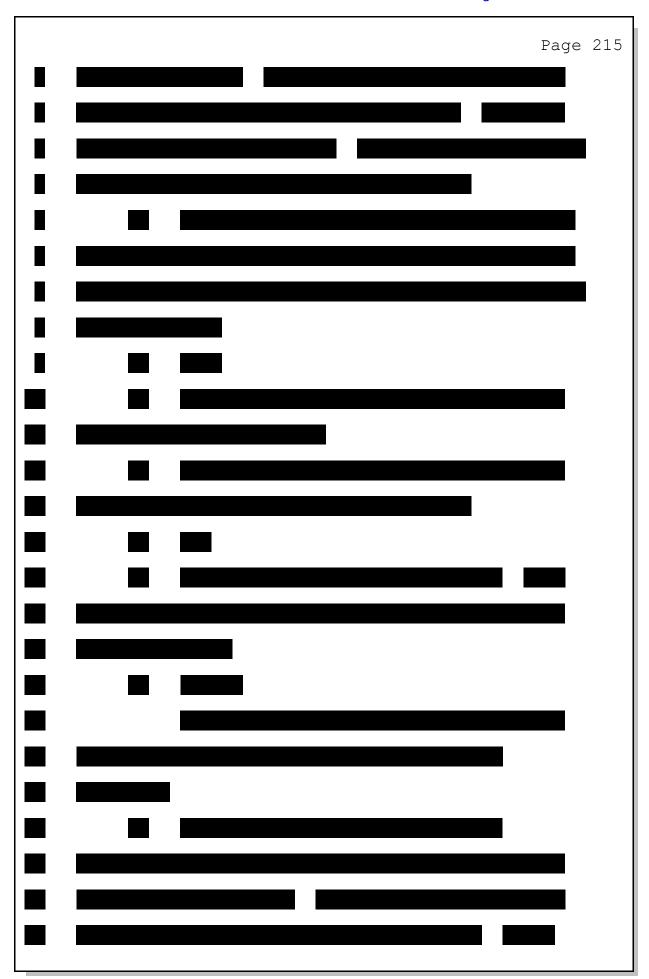


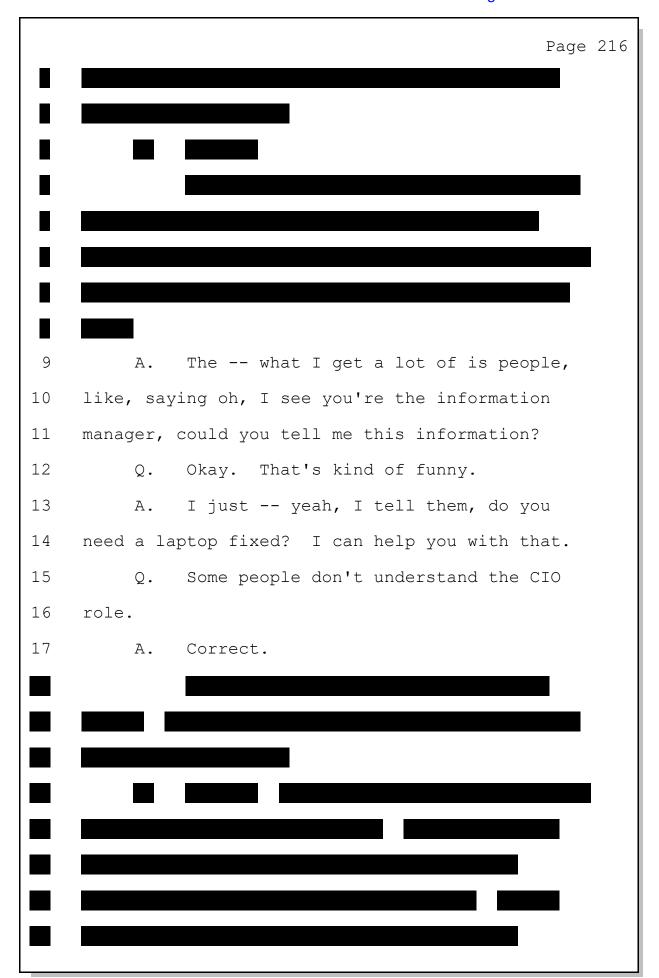


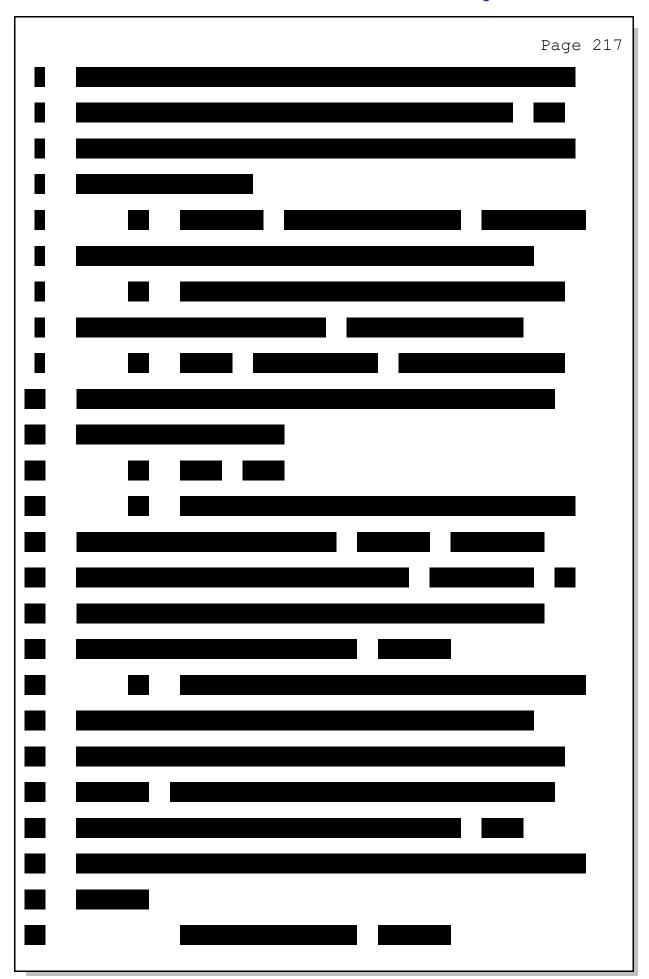
Page 212 9 Q. What is -- so is TeamViewer still used 10 by the state today? 11 Α. Yes. 12 Q. And what is Team -- what is -- strike 13 that. 14 What is -- what is the state -- or the 15 Secretary's office use TeamViewer for? 16 So the counties -- whenever they're 17 having problems, whether it's E-Net related or 18 anything to do with voter registration, 19 transferring files and things like that, we find 20 is that trying to walk somebody through that's 21 very low skill in computers, just walking them 22 through what to do say, okay, click on this 23 button, do this, they still get lost. And so 24 it's easier for our liaisons, those are the 25 people that work in elections that work with each

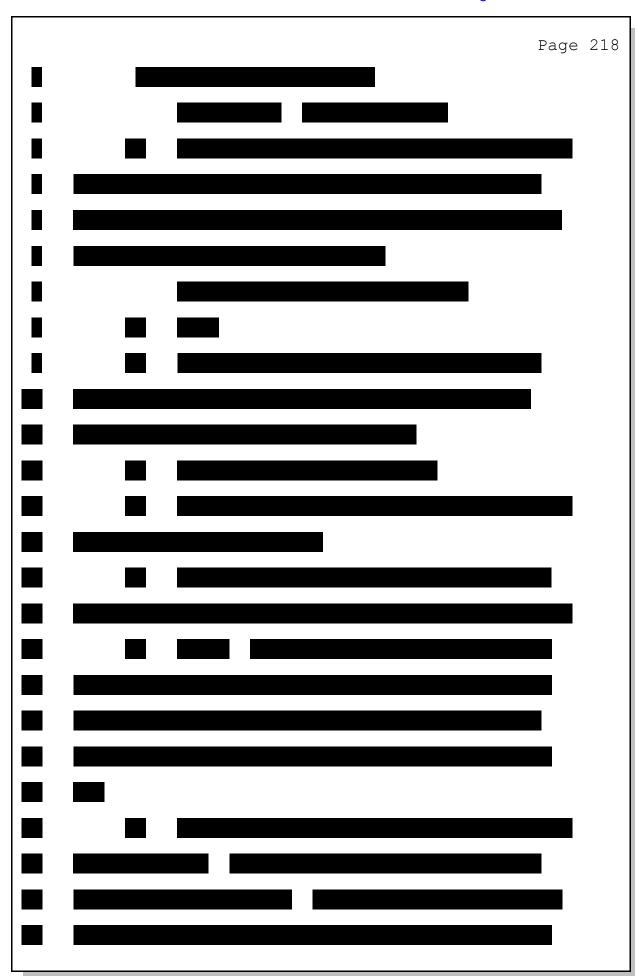
- of the counties, I think we have four or five of
- 2 them, they -- it's found that it's much faster to
- 3 just log onto the county's desktop and say here,
- 4 let's practice this together. So they use it to
- 5 help the counties guide them through how to use
- 6 election systems applications.
- 7 Q. So it's -- it's a remote desktop access
- 8 to tool, right?
- 9 A. Yes.
- 10 Q. Got it.
- 11 A. And it's used worldwide. It's one of
- 12 the more popular ones.
- 13 Am I on another one?
- 14 Q. Yeah, in a moment. Trying to winnow
- down a few things so I can get you out of here.
- 16 A. Okay. You're making me really work my
- 17 brain.
- 18 Q. That's how it goes in a deposition.
- 19 A. I hope they upgrade me to comfort plus,
- 20 then I'll at least get a drink this evening.
- Q. What are you on, Delta?
- 22 A. Yep.
- Q. I'd give you one of my drink vouchers.
- 24 But I don't know, maybe that's not appropriate.
- 25 All right. Yeah, let me grab this.

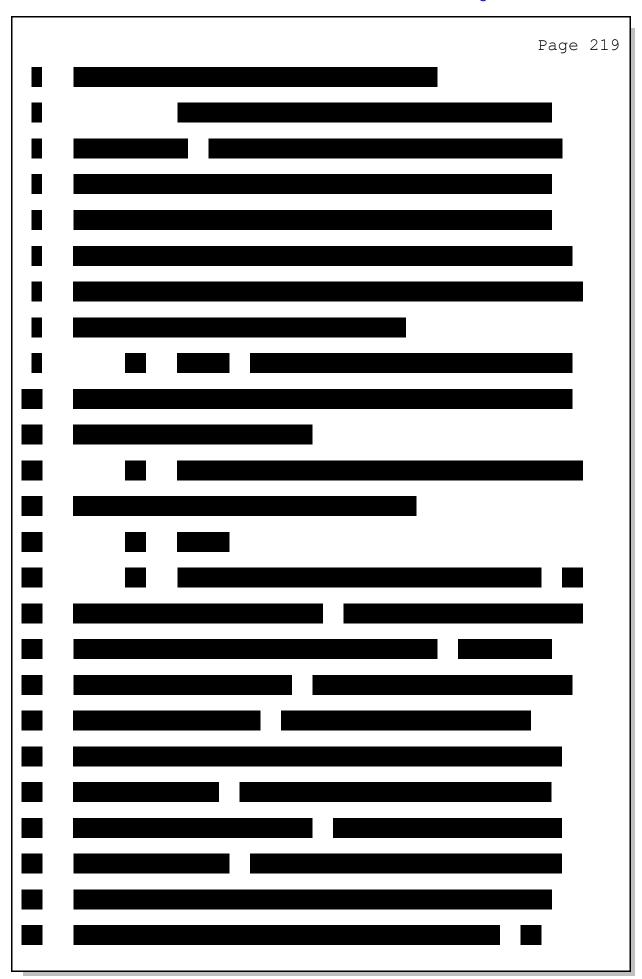
```
Page 214
               (Exhibit 24:
 1
                                                 marked
 3
           for identification, as of this date.)
               All right. Grab -- I think we're on
          Q.
     23.
          Give me one second.
 5
 6
          Α.
               I'm at 24.
 7
          Q.
               Oh, 24, yes. Thank you.
               Just let me know when you've got that.
 8
 9
               I'm in.
          Α.
               It's still spinning.
12
          Α.
13
          Q.
               Okay.
14
               All right. 24, click on it. Yes. Oh,
          Α.
     there you go.
15
               Do you see that?
19
20
          Α.
               Yep.
24
          Q.
               Okay.
```

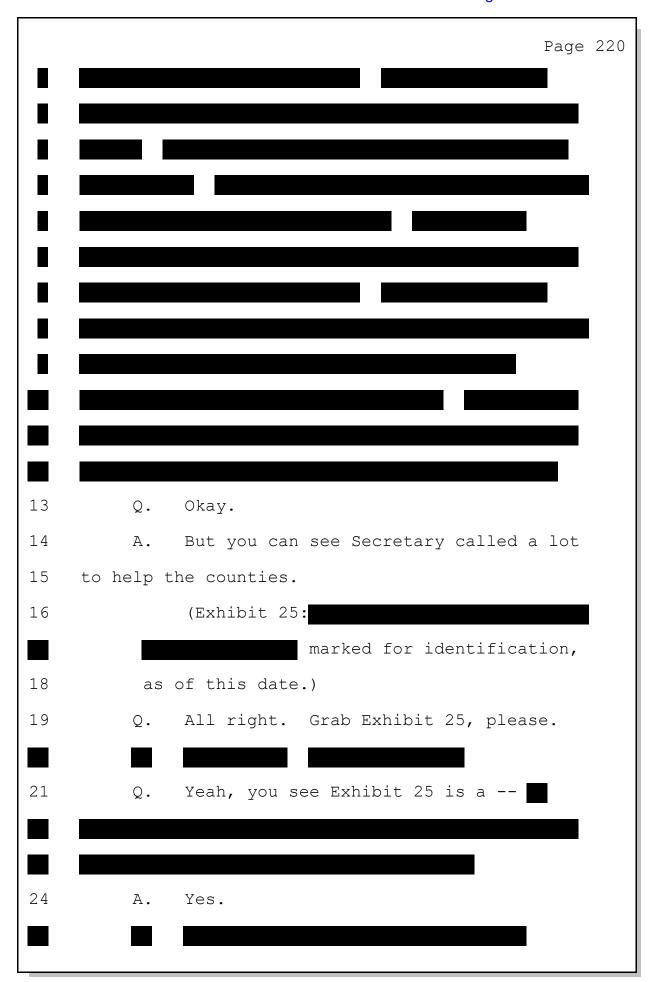


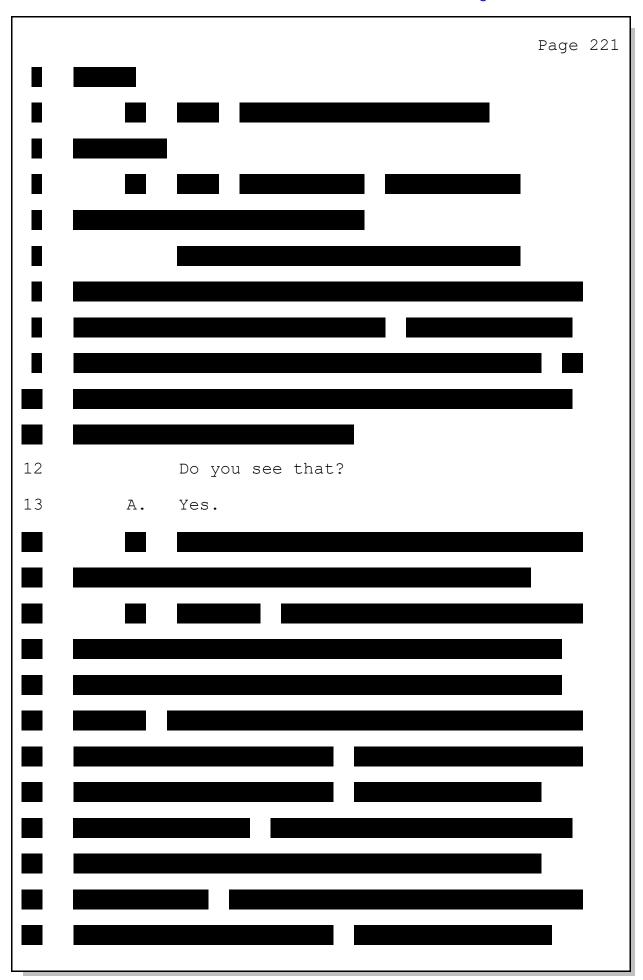


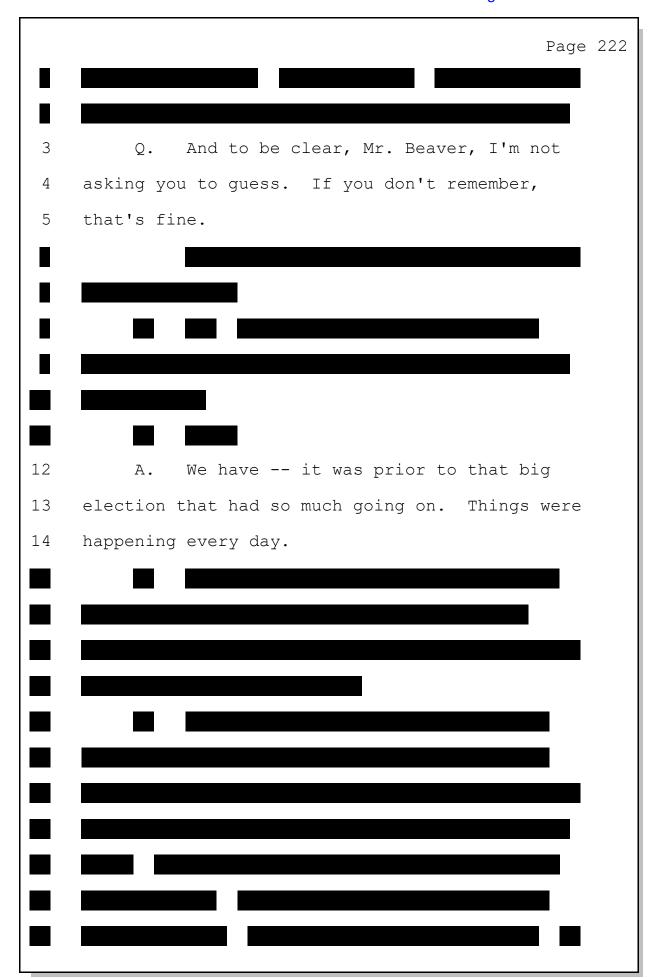


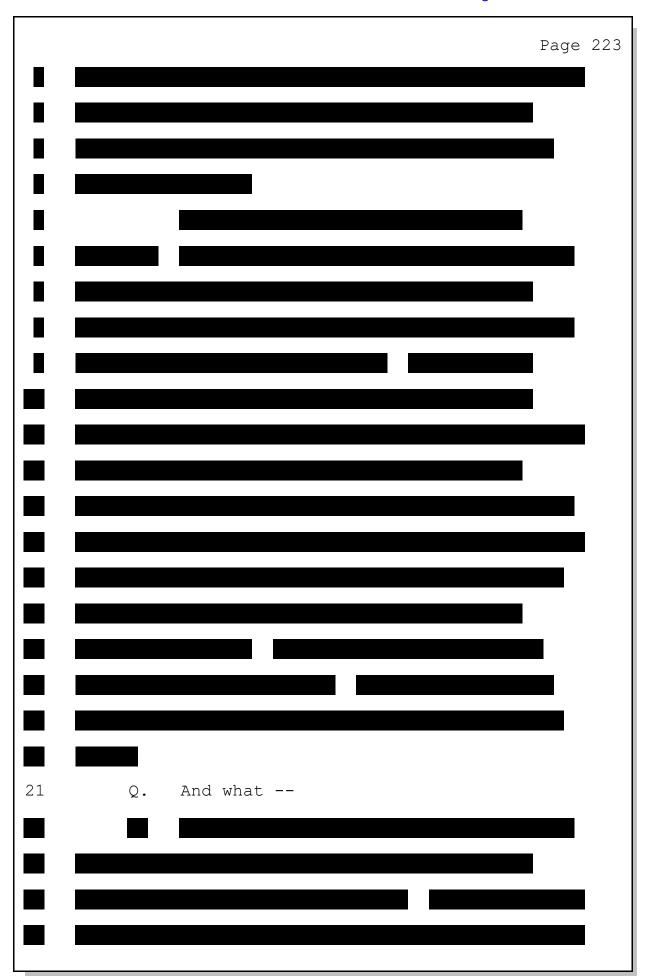


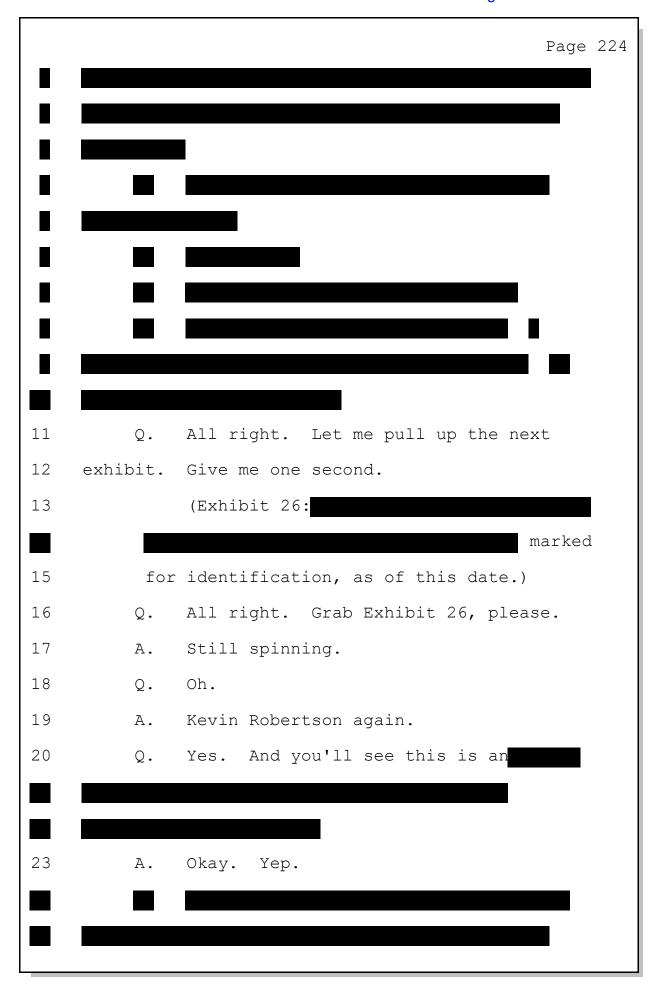


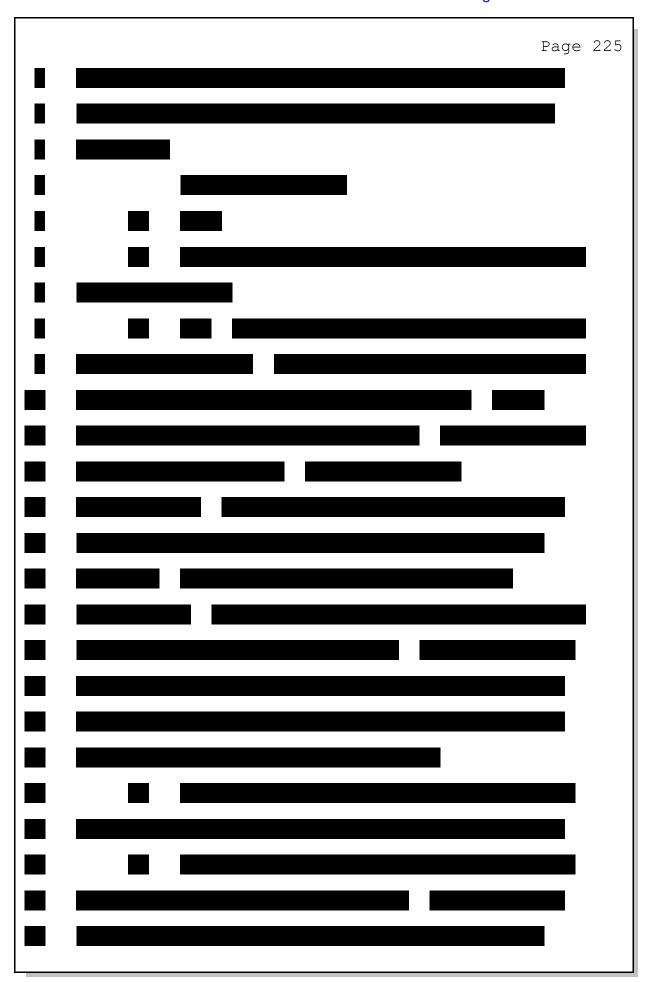


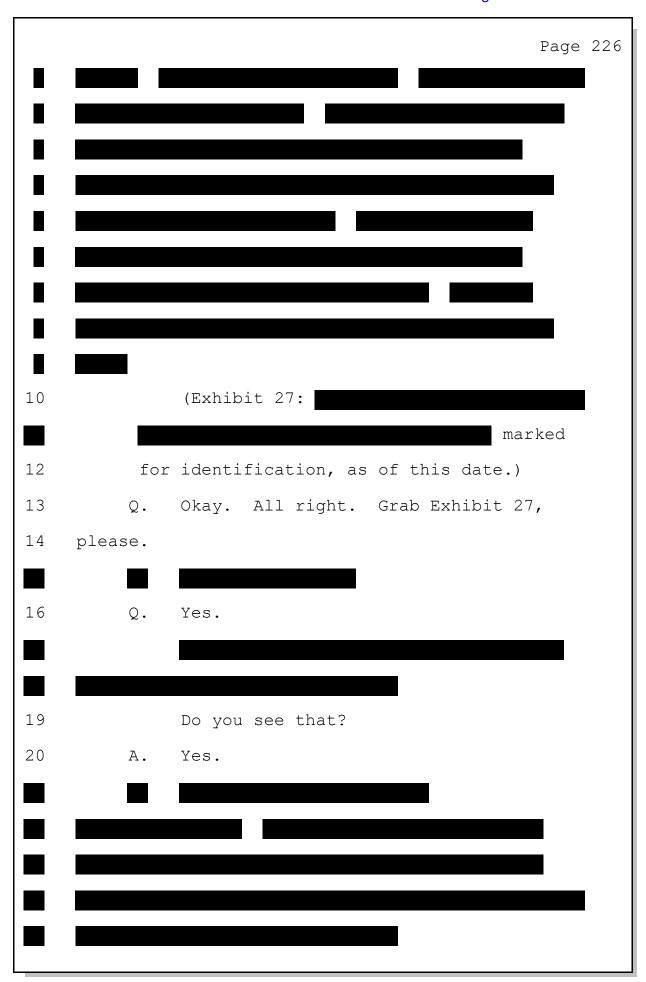


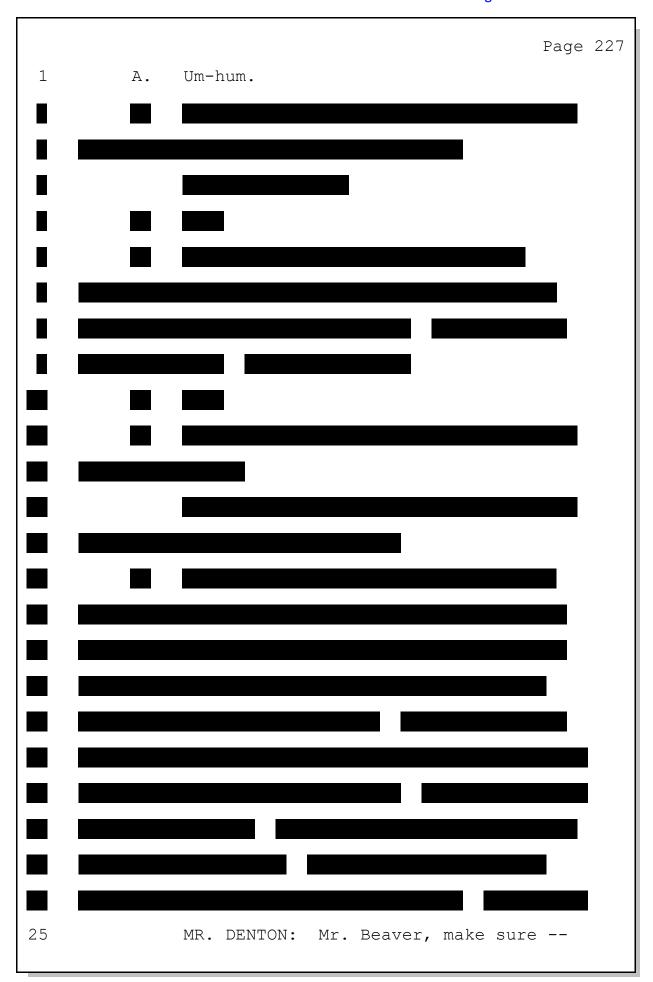




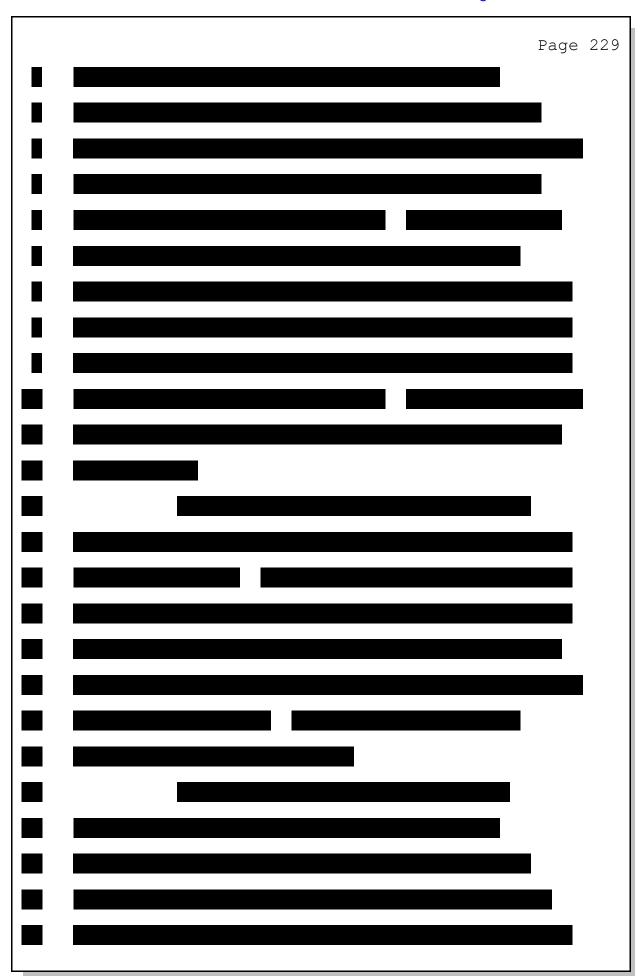






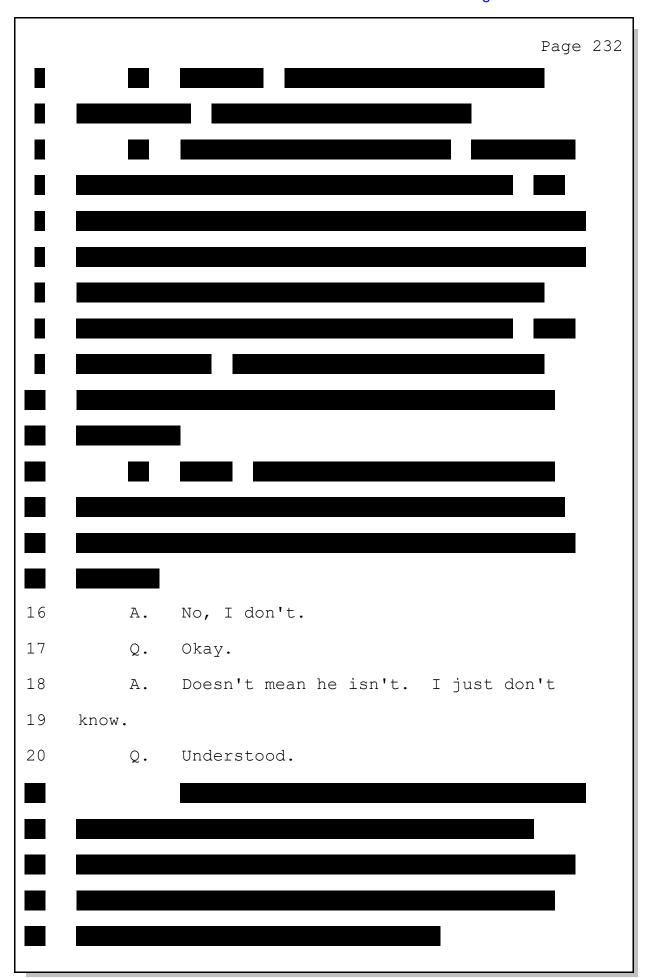


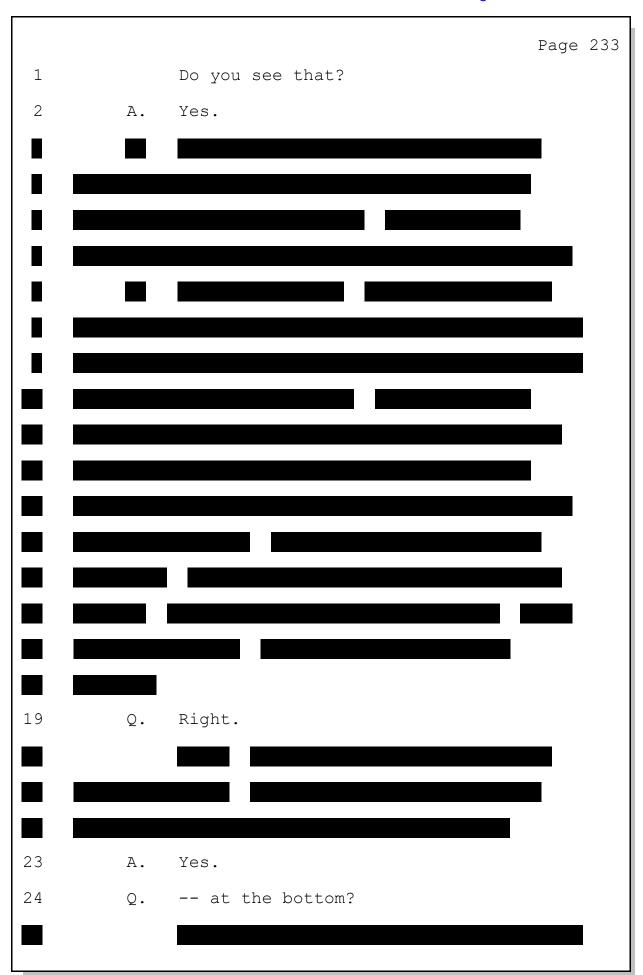
```
Page 228
           if you're answering questions about the
1
           document, make sure you have the time to
2
3
           look at it so you can answer David's
           question.
 4
5
               Okay. So I'm not positive about what
     this one is specifically talking to. I can only
7
     speculate.
               Yeah, and --
8
          Q.
               What it sounds like -- you know, I --
9
    more details, I can't tell you.
10
11
               That's fine. And, again, I'm not
          Q.
12
     asking you to guess. So if you don't remember
13
14
    that's fine. So you just -- you just don't
15
     remember specifics about this?
```

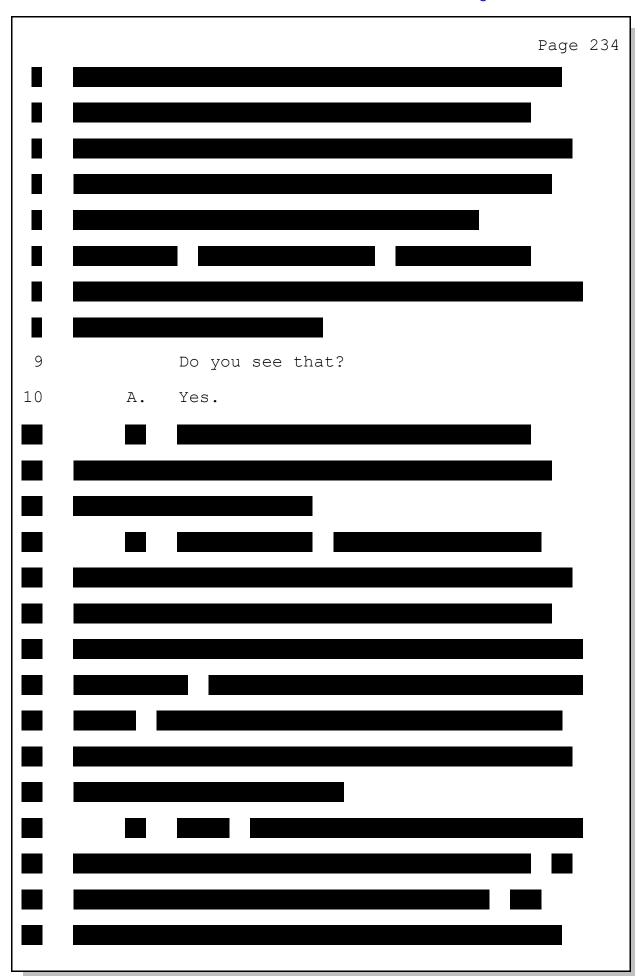


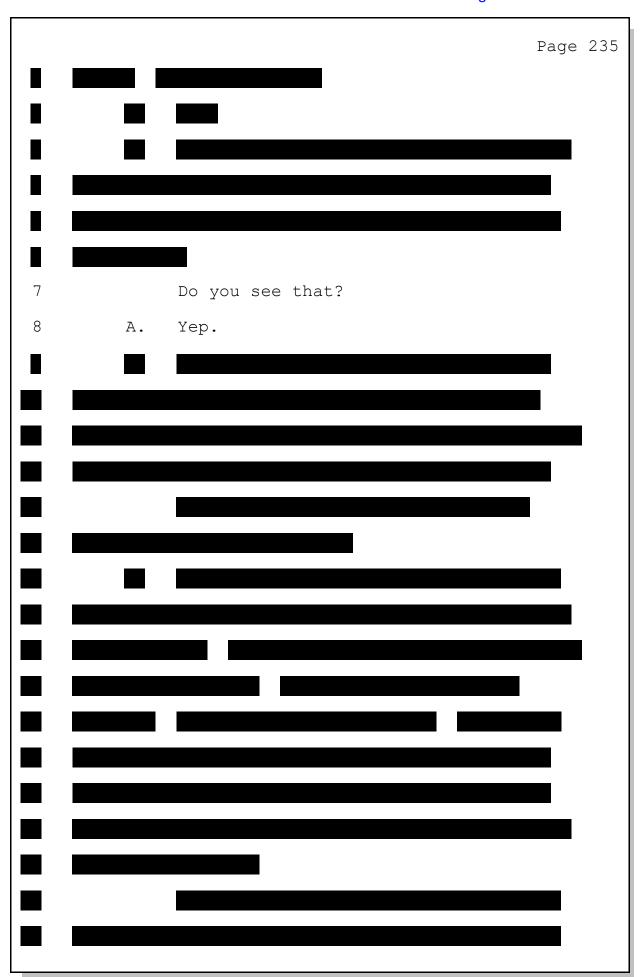
```
Page 230
13
          Q. All right. Let's go off the record.
14
    Trying to narrow down some stuff I want to look
15
     at just so I can make sure I can get you out of
    here, Mr. Beaver.
16
17
         A. Okay.
              THE VIDEOGRAPHER: The time is 3:39
18
19
          We're off the record.
20
              (A BRIEF RECESS WAS TAKEN.)
21
              THE VIDEOGRAPHER: The time is 3:50
          We're back on the record.
22
    BY MR. CROSS:
23
24
          Q. All right. Mr. Beaver, if you can go
25
     into the list of exhibits, you'll see there's now
```

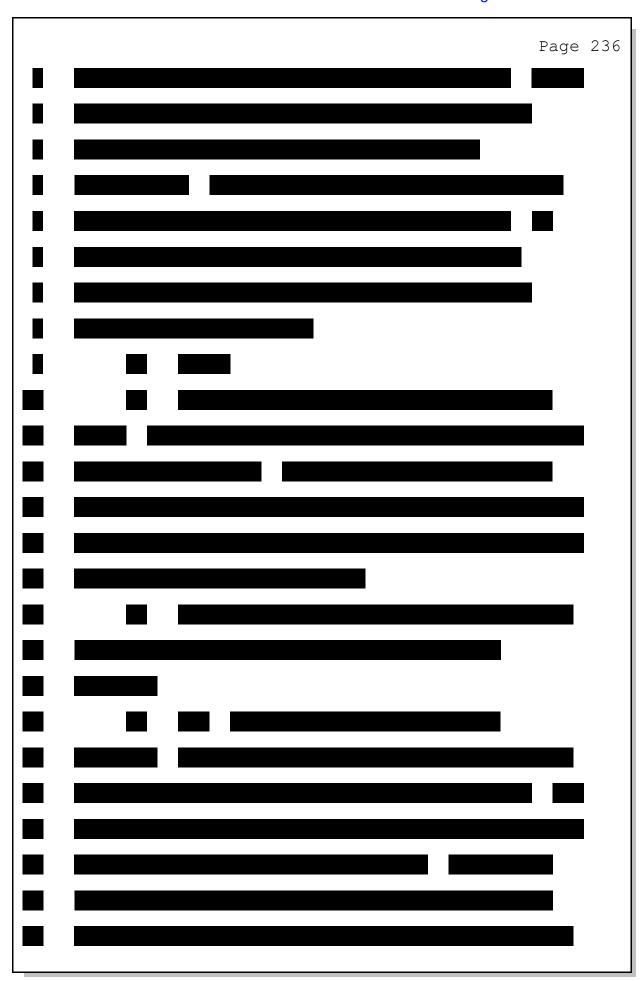
```
Page 231
    2 -- Exhibit Number 20.
 1
              Oh, let me refresh. Yes.
 2
         Α.
              All right. So open -- let me get the
 3
         Q.
    right --
         A. Look at what size it is. It's the 1.2
 5
    or the 420.
7
         Q.
             Hold on one second.
16
              Yes.
21
              Do you see that?
22
         Α.
              Yes.
23
         Q.
              Who is --
```

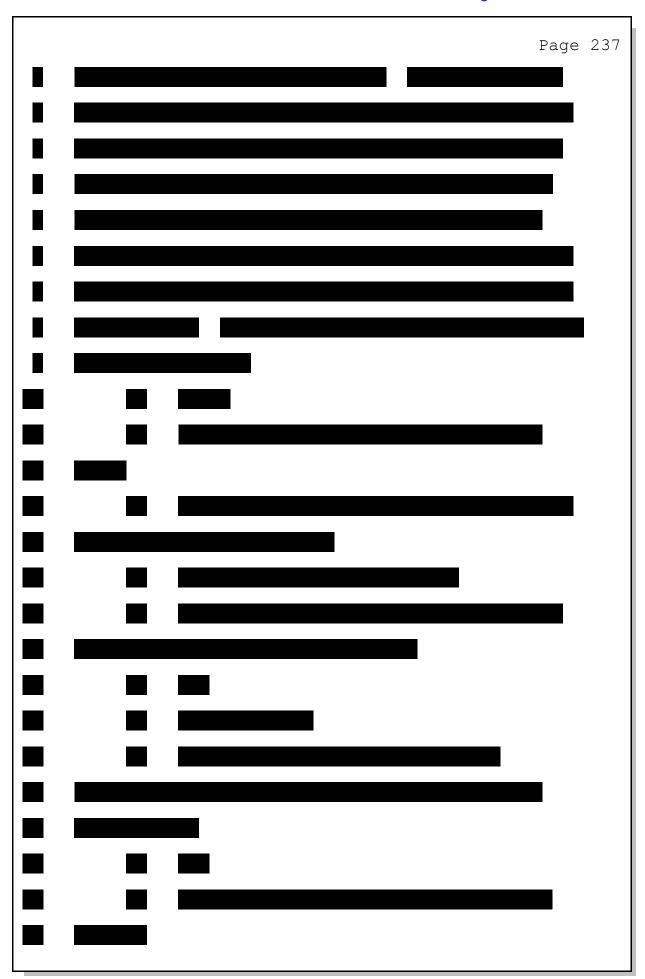




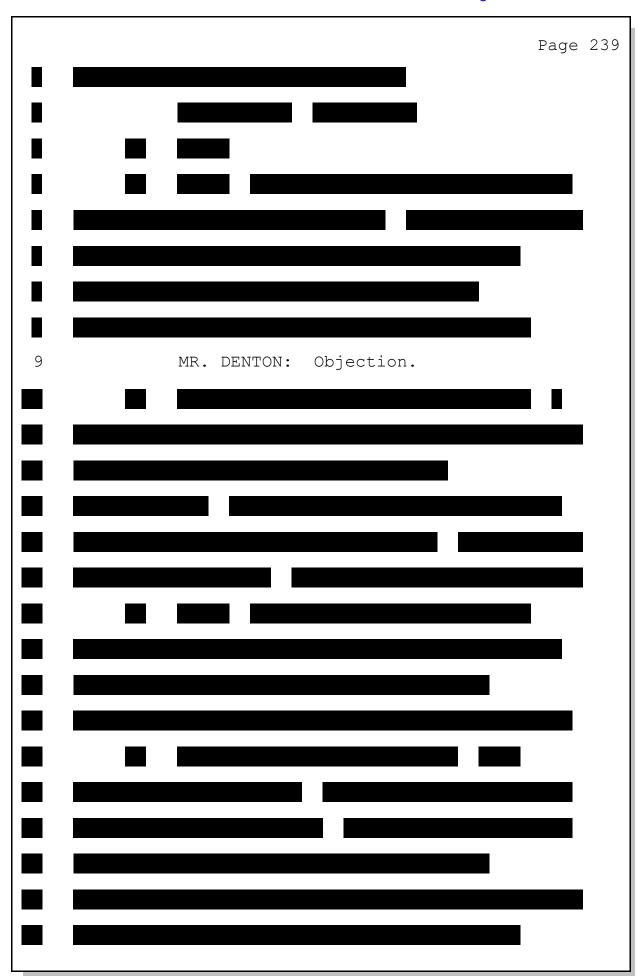








Page 238 1 Q. Sorry, can you --He's the deputy secretary. 2 Α. Can you just explain what you mean by 3 Q. that? 4 Oh. So you've got Brad Raffensperger 5 6 is the Secretary of State. His number two is Jordan. So if anybody wants to work with him or 7 get his attention or make any communication, they 8 9 go to Jordan. 10 Q. Okay.



Page 240 Okay. All right. Oh, why doesn't this have an exhibit label. Shoot. 9 10 All right. There are three more documents I want to touch on if we have time. 11 12 For some reason they came -- look at the -- in 13 the marked folders, the last three. Do you see 14 the one State Defendant 00158640? 15 What's the Exhibit -- oh, yeah, yeah, there's three of those. Okay. 640. Got it. 16 That's the first one. 17 (Exhibit 28: E-mail from Nick Salsman 18 19 dated 8/14/2020 marked for identification, 20 as of this date.) That's going to be Exhibit 28. So open 21 Ο. 22 that as Exhibit 28, if you would. 23 A. Okay. From Nick Salsman. Q. Yes. This is an e-mail from Nick 24 25 Salsman to Dave Hamilton on August 14, 2020,

Page 241 1 right? 2 Α. Yep. 3 And the subject line is election center infrastructure server and then proposed changes. 4 5 Do you see that? 6 Α. Yes. 7 What is -- it indicates Nick Salsman is Q. 8 with something called Basecamp. What is that? 9 Basecamp is our project management 10 system. So if we have a project going on, we 11 track the activity in the project, the status of 12 the project in Basecamp. And so he has an 13 account in Basecamp for building out this server. 14 The election center server was a project he was 15 working on. 16 So Nick Salsman is a Secretary 17 employee? 18 Α. Yes. Was. 19 Okay. And he was in the IT department? Q. 20 He was in the security group. Α. When did he leave? 21 Ο. 22 Over a year ago. Α. 23 Got it. Q. 24 So sometime in 2020 you think? 25 Α. '21.

- 1 Q. '21, okay.
- 2 A. Last year. Maybe not over a year ago.
- 3 Last year.
- 4 Q. So Basecamp is a -- it's some sort of
- 5 tool that helps you track this type of, like,
- 6 projects, helps us to track projects?
- 7 A. It's a project management tool. Very
- 8 common tool.
- 9 Q. For some reason I couldn't come up with
- 10 the language for project management tool. So
- 11 thank you for making it simple.
- 12 All right. So I had a few questions on
- 13 this. If you come down to Mr. Salsman's e-mail
- 14 concerning changes to the election center
- 15 infrastructure server, if you come down where --
- do you see where it says we'll stay in place?
- 17 It's kind of the middle of the page. You see --
- 18 A. The second page or the first page?
- 19 Q. First page, first page.
- 20 A. Oh, yeah, will stay in place,
- 21 yes.
- 22 O. And below that it reads -- there's a
- 23 bullet, new democracy suite, Dominion, Windows 10
- 24 based client, unsure about supporting back end
- 25 requirements other than SQL server 2005, two

- 1 question marks and confirm version build.
- 2 Do you see that?
- 3 A. Yes.
- 4 O. What's the reference to Windows 10 here
- 5 with respect to the democracy suite for Dominion?
- 6 A. That -- the people that are working in
- 7 the application, what's on the desktop? Remember
- 8 we talked about you asked about putting new
- 9 laptops or desktops on people, that's what those
- 10 are. And they're all Windows 10 based.
- 11 Q. So does the Dominion democracy suite
- 12 software sit on desktops as well?
- 13 A. You access it from your desktop. But
- 14 those desktops have to be in the air gapped
- 15 network. So we put brand new equipment in there
- 16 and they're all Windows 10.
- 17 Q. I see.
- Okay. So just so I understand, the
- 19 operating system for the BMDs is Android?
- 20 A. Correct.
- 21 Q. But the operating system for the
- 22 desktops that are within the -- within the --
- 23 A. -- building environment, yeah.
- Q. Right.
- 25 Those -- those operate on a Windows

- 1 operating system?
- 2 A. Yes. We talked about putting Word on
- 3 them and Adobe. Those were all for those
- 4 machines, not for the Dom- -- not for the
- 5 Dominion BMDs.
- 6 Q. Got it.
- 7 Okay. Is Windows -- strike that.
- 8 So Windows is also installed on the
- 9 state EMS, right? Because that -- right?
- MR. DENTON: Objection.
- 11 Q. And on the server is what I'm talking
- 12 about.
- 13 A. I believe it's Linux. Could be
- 14 Windows. I am not positive.
- 15 Q. Okay. You just don't know one way or
- 16 the other?
- 17 A. I don't know what the server itself was
- 18 set up with. I -- I -- I remember we talked
- 19 about it. Linux was going to be used because we
- 20 could use something called VMware on it.
- Q. And what do you use VMware for on the
- 22 EMS server?
- 23 A. It creates -- takes a server and it
- 24 creates sort of virtual servers. That's what
- 25 VMware, virtual ware. So it creates virtual

- 1 servers so I could have multiple servers. And
- 2 what we did was create virtual desktops for the
- 3 people to use so, actually, code doesn't transfer
- 4 over the network to that PC that's on their
- 5 desktop. They use a browser window into a
- 6 virtual desktop that sits on the server. It's
- 7 just the configuration we did.
- 8 Q. How are the PCs that access the EMS
- 9 server -- what is the -- what are the mechanics
- 10 of connecting to that server?
- 11 A. It's an Ethernet hard-wired cable.
- 12 Q. And so when people are working on those
- 13 PCs, are they sitting in a room physically with
- 14 the server or where are they sitting?
- 15 A. No. In their desks. That's why we had
- 16 to run new wires in the wall.
- 17 Q. Oh, I see. So the people who have
- 18 access to the EMS server, they work from their
- 19 offices on a PC that's hard-wired to the server
- 20 and that server sits in some room somewhere; is
- 21 that correct?
- 22 A. A caged room.
- 23 Q. Okay.
- 24 A. Elsewhere in the building.
- 25 Q. Okay.

- 1 A. So the typical configuration of the
- 2 office is you have a desk on one side, you turn
- 3 one way and you're working on your PC for daily
- 4 e-mail and stuff and it's tied to the Internet.
- 5 And you turn around and you face the opposite
- 6 direction and you're working on PC that's on the
- 7 air gap network.
- 8 Q. Got it.
- 9 Okay. And so I may have said this
- 10 before. How many people have those PCs in their
- 11 offices? Just approximately.
- 12 A. Oh, five, maybe eight. It's depending
- on -- I think at the beginning when we had a big
- 14 push we had as many as eight. But I think
- 15 they're down to about five now.
- 16 Q. Okay. And then if you come to where --
- see where it says supports SQL Express and Win
- 18 10, do you see that, just where we were?
- 19 A. Yes.
- Q. And then below that it reads, Windows
- 21 10 running XP guest to access old system.
- Do you see that?
- 23 A. Yes.
- Q. Do you know what that refers to?
- 25 A. So we were still -- remember we were

- 1 running in parallel in a different environment,
- 2 the old GEMS system. Because we hadn't
- 3 completely switched over. So they were -- as
- 4 part of the project they had to make sure that
- 5 they had the machines that could run the old
- 6 system, they had machines that could run the new
- 7 system. The old system had to run XP because the
- 8 GEMS application run -- ran with XP.
- 9 Q. All right.
- 10 A. Two totally different environments.
- 11 Q. And just so I understand, when you say
- 12 two totally different environments, the Dominion
- 13 EMS server you said was locked in the cage
- 14 somewhere. Was the old GEMS system, whatever
- 15 servers it was still running on, was that locked
- in a different cage somewhere?
- 17 A. It was in a different rack. A
- 18 different rack. You know what a rack is?
- 19 Q. Yes, yes, yes. So it's all in the same
- 20 locked cage?
- 21 A. Locked area.
- 22 Q. But it's on a different server rack?
- 23 A. Yes.
- 24 Q. Got it.
- 25 And you're saying there were no -- no

- 1 cables or wires connecting the two servers?
- 2 A. Correct.
- 3 Q. And no Wi-Fi connections, no wireless
- 4 connections?
- 5 A. Correct. Absolutely, no.
- 6 Q. Okay.
- 7 A. And, in fact, down here it verifies
- 8 that server host VMware 5.5 there.
- 9 Q. Okay. If you come down still on this
- 10 -- the next bullet, you see where it says no
- 11 history of patching anything?
- Just below where you were, the VMware
- 13 5.5. Do you know what that refers to, no history
- 14 of patching --
- 15 A. Oh, history of patching. Yes, I see
- 16 that.
- 17 Q. Do you know what that refers to?
- 18 A. No, I don't know what an ESXI 6.0. I
- 19 mean, this is kind of a cryptic document that
- 20 Nick put out there that -- for his team that were
- 21 deep into building this thing. So each one of
- these line items could refer to a different
- 23 environment. But they would know what it --
- 24 themselves what it means.
- Q. Okay. All right. One more question on

- 1 this document. Come to the second page and go
- 2 down to the second bullet.
- 3 A. Yes.
- 4 Q. See where it says --
- 5 A. The one that says needs to be able to
- 6 scan every USB attached storage device?
- 7 Q. Yes. And it goes on to say, Cannot
- 8 ensure USB is free from malware, keylogging, et
- 9 cetera.
- 10 Do you see that?
- 11 A. Yes.
- 12 Q. And do you agree with Mr. Salsman that
- 13 you cannot actually ensure that USB devices are
- 14 free from malware, keylogging or similar
- 15 software?
- MR. DENTON: Objection.
- 17 A. So remember we talked about layers of
- 18 security. The system can't do that. So when you
- 19 have a known vulnerability, you add another
- 20 layer. And we talked about this early on is that
- 21 we have that box that wipes this out because the
- 22 system couldn't tell that. So that was why we
- 23 introduced that box.
- Q. So you agree that you cannot ensure a
- 25 USB is free from malware or keylogging or similar

- 1 software, but you're saying that you take
- 2 additional measures to address for that risk; is
- 3 that fair?
- 4 MR. DENTON: Objection.
- 5 A. Correct. We -- because -- because you
- 6 can't know for sure, the only way that you can
- 7 absolutely make sure that it doesn't have it is
- 8 using something like with the box I described
- 9 earlier that completes it -- completely wipes it.
- 10 Then there's nothing on it. And then you start
- 11 from there.
- 12 (Exhibit 29: Document entitled Election
- Office Notes: 10 am 6/15/2020 Meeting
- marked for identification, as of this
- 15 date.)
- 16 Q. Okay. All right. Almost done. Try to
- 17 do one more document, if we can. Take a look at
- 18 the next document that's ends in 823. It's the
- 19 second to last in the folder. And it's State
- 20 Defendant's 00158823.
- 21 A. Yes.
- Q. And so that's going to be Exhibit
- 23 Number -- yeah, Exhibit 29. And so if you look
- 24 at this, election office notes from a 10:00 a.m.
- 25 meeting on June 15, 2020.

Page 251 Do you see that? 1 2 Α. Yes. 3 And it goes -- it reads basic overview, most data provided by Michael Barnes, Nick and 4 5 Terrence in attendance. 6 Do you know who Nick and Terrence are 7 referenced here? 8 Nick was Salzman, that was the guy in 9 the other meeting. And Terrence, I don't 10 remember Terrence's last name, but he was a 11 desktop support person over in the election 12 center at the time. He doesn't work here 13 anymore. 14 If you come down to the third bullet it Q. 15 reads, Each permitted user has to access it via a dedicated desktop computer on that physical 16 17 network. They then access a XP-based virtual 18 quest. 19 Is that what you were describing 20 earlier where the people who have access to the 21 EMS server, they work through a virtual desktop 22 rather than -- than using their actual desktop? 23 Yes. But here he's talking about GEMS, Α. 24 not Dominion.

Oh, I'm sorry.

What --

Q.

25

- 1 A. GEMS -- well, because I know GEMS
- 2 required the XP-based where Dominion requires
- 3 Windows 10.
- 4 Q. Got it.
- 5 A. So he's saying XP-based and then we set
- 6 that system up when we brought it back from
- 7 Kennesaw in the same type of environment where we
- 8 had the GEMS in a virtual and people created --
- 9 ran virtual desktops that were virtual XP.
- 10 Q. Got it. Okay. Okay.
- 11 A. And it speaks to this over and over
- 12 here. And your count of eight users is just
- 13 above that.
- 14 Q. Yep. Thank you. I saw that.
- And then come down just a few bullets.
- 16 Do you see the one where it says these desktops
- 17 have no wireless cards/access?
- 18 A. Yes.
- 19 Q. And then it goes on, need to confirm
- 20 Wi-Fi capabilities of these desktops. Also
- 21 Bluetooth data transfer being disabled.
- Do you see that?
- 23 A. Yes.
- Q. Do you know what, if anything, was done
- 25 to confirm Wi-Fi capabilities of those desktops

- 1 and Bluetooth data transfer being disabled?
- 2 A. Yeah, that was when we bought them, he
- 3 was basically describing what he needed for us to
- 4 purchase. And he was saying these machines can't
- 5 have Wi-Fi. A lot of machines nowadays come with
- 6 Bluetooth in them. So we've got to be able to
- 7 disable the Bluetooth. So he's -- he's
- 8 describing how he wants this to verify there is
- 9 no wireless going on in this machine -- these
- 10 machines.
- 11 Q. Okay. All right. Well, let me let you
- 12 go, Mr. Beaver.
- MR. CROSS: Alex, we're going to hold
- the deposition open. And we'll send you an
- e-mail about that. But I don't want to
- keep Mr. Beaver since he's got to catch a
- 17 flight.
- 18 MR. DENTON: And I wanted to return
- very briefly to one topic. You had asked
- about e-mails pertaining to the Democratic
- 21 party hack. Those Bruce Brown has those
- 22 e-mails. They also were produced as state
- defendants 200993 beginning page and it
- looks like 200995. Again, Bruce has those.
- So I appreciate you're working with us on

```
Page 254
           time today.
1
2
               MR. CROSS: Sure.
3
               Thank you, Mr. Beaver. Go get your
           flight.
 5
               THE DEPONENT: Thank you. See you.
 6
               MR. CROSS: See you.
7
               THE VIDEOGRAPHER: This concludes the
           videotaped deposition. The time is 4:17.
 8
           We're off the record.
9
10
               MR. CROSS: Dario, did you need
11
           anything else?
12
               THE STENOGRAPHER: If you can please
13
           place your orders on the record for the
14
           transcript, starting with Mr. Cross.
15
               MR. CROSS: I think we have a standing
16
           order. We don't need a rush. But we would
17
           like the rough as soon as you can
18
           reasonably get to it. And then I think the
19
           video we always do synched.
20
               THE VIDEOGRAPHER: Yes, sir.
21
               MR. DENTON: Yeah, Dario, do you know
22
           what we requested and asked for these? I'm
23
           not sure.
24
               THE STENOGRAPHER: I'm sorry, I don't
25
                But are you saying you have a
           know.
```

```
Page 255
           standing order?
 1
               MR. DENTON: I suspect we do. I guess
 2
           we would ask for a draft when ready and the
 3
           final when -- whenever it's ready normal
 4
 5
           also.
 6
               THE STENOGRAPHER: And video?
               MR. DENTON: I don't think at this
7
 8
           time.
9
                               (TIME NOTED: 4:44 p.m.)
                               (SIGNATURE RESERVED.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
```

Page 256 1 REPORTER'S CERTIFICATE 2. 3 I, V. Dario Stanziola, a Certified Court Reporter in the State of Georgia, duly 4 5 commissioned and authorized to administer oaths 6 and to take and certify depositions, do hereby 7 certify that on Wednesday, February 2, 2022, Sanford Merritt Beaver, being by me personally 8 9 duly sworn to tell the truth, thereupon testified as above set forth as found in the preceding 10 pages, this examination being recorded 11 12 stenographically by me verbatim and then reduced 13 to typewritten form by me, that the foregoing is 14 a true and correct transcript of said proceedings to the best of my ability and understanding; that 15 16 I am not related to any of the parties to this 17 action; that I am not interested in the outcome of this case; that I am not of counsel nor in the 18 19 employ of any of the parties to this action. IN WITNESS WHEREOF, I have hereto set 20 21 my hand, this the 8th day of February 2022. 22 <%13745, Signature%> 23 V. DARIO STANZIOLA, CCR (GA) (NJ), RPR, CRR 24 Certification Number: 4531-3928-0743-6288 25

```
Alexander Denton, Esquire
 1
      adenton@robbinsfirm.com
 3
                              February 9, 2022
 4
      RE: Curling, Donna v. Raffensperger, Brad
          2/2/2022, Sanford Merritt Beaver (#5061369)
 5
          The above-referenced transcript is available for
 6
 7
      review.
          Within the applicable timeframe, the witness should
8
 9
      read the testimony to verify its accuracy. If there are
10
      any changes, the witness should note those with the
      reason, on the attached Errata Sheet.
11
12
          The witness should sign the Acknowledgment of
      Deponent and Errata and return to the deposing attorney.
13
      Copies should be sent to all counsel, and to Veritext at
14
      cs-midatlantic@veritext.com
15
16
17
       Return completed errata within 30 days from
     receipt of testimony.
18
19
        If the witness fails to do so within the time
     allotted, the transcript may be used as if signed.
20
21
22
                     Yours,
2.3
                    Veritext Legal Solutions
24
25
```

1	Curling, Donna v. Raffensperger, Brad
2	Sanford Merritt Beaver (#5061369)
3	ERRATA SHEET
4	PAGE LINE CHANGE
5	
6	REASON
7	PAGE LINE CHANGE
8	
9	REASON
10	PAGELINECHANGE
11	
12	REASON
13	PAGELINECHANGE
14	
15	REASON
16	PAGELINECHANGE
17	
18	REASON
19	PAGELINECHANGE
20	DEAGON
21 22	REASON
23 24	Sanford Merritt Beaver Date
	Samioid Meiiill beaver Dale
25	

1	Curling, Donna v. Raffensperger, Brad
2	Sanford Merritt Beaver (#5061369)
3	ACKNOWLEDGEMENT OF DEPONENT
4	I, Sanford Merritt Beaver, do hereby declare that I
5	have read the foregoing transcript, I have made any
6	corrections, additions, or changes I deemed necessary as
7	noted above to be appended hereto, and that the same is
8	a true, correct and complete transcript of the testimony
9	given by me.
10	
11	
12	Sanford Merritt Beaver Date
13	*If notary is required
14	SUBSCRIBED AND SWORN TO BEFORE ME THIS
14 15	SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF, 20
15	
15 16	
15 16 17	
15 16 17 18	
15 16 17 18 19	
15 16 17 18 19 20	
15 16 17 18 19 20 21	
15 16 17 18 19 20 21 22	
15 16 17 18 19 20 21 22 23	